

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 302**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING  
THE CITY OF LIBERTY LAKE MUNICIPAL CODE, THE CITY OF LIBERTY  
LAKE DEVELOPMENT CODE, AND THE DEVELOPMENT CODE CONTAINED IN  
THE RIVER DISTRICT SPECIFIC AREA PLAN; REPEALING LIBERTY LAKE  
MUNICIPAL CODE SECTION 8-1A-4.**

WHEREAS, the Growth Management Act ("GMA") was established in the State of Washington in 1990 to provide a framework for land use planning and development regulation; and

WHEREAS, Spokane County and the cities within it were mandated to plan under the GMA in 1993; and

WHEREAS, the City of Liberty Lake has adopted its own comprehensive land use plan pursuant to RCW 36.70A; and

WHEREAS, the City has adopted a Development Code to implement the Comprehensive Plan; and

WHEREAS, the 14 planning goals outlined in RCW 36.70A.020 and 480, guide the development and adoption of comprehensive plans and development regulations; and

WHEREAS, planning is an ongoing process, and improved data or changing circumstances require amendment to the Comprehensive Plan and Development Code; and

WHEREAS, a complete public participation program was followed for the proposed 2023 City Comprehensive Plan and Development Code Amendments, including amendments to the development code contained in the River District Specific Area Plan 08-001 ("RDSAP Amendments"); and

WHEREAS, all public notification requirements were met and accomplished in a timely manner; and

WHEREAS, a SEPA DNS Threshold Determination and Adoption of Existing Environmental Document was issued on each of the proposed amendments with a fourteen (14) day public comment period; and

WHEREAS, the GMA requires proposed development regulations, including proposed amendments, be forwarded to the Washington State Department of Commerce ("DOC") for review and comment prior to the final City Council adoption; and

WHEREAS, all applicable state and local agencies received a copy of the proposed amendments, and were given the opportunity to comment; and

WHEREAS, the City of Liberty Lake has met the GMA notice to state agency requirements in RCW 36.70A.106 for the 2023 City Development Code Amendments and RD-SAP-08-001 Development Code Amendments; and

WHEREAS, the City Council has reviewed the Planning Commission's Recommendations on the proposed amendments to City of Liberty Lake Development Code Amendments and RDSAP Amendments regarding Landscaping Standards, and Community Event Permits; and

WHEREAS, the City Council has reviewed the Planning Commission's Findings of Fact, Conclusions, and Recommendations, and other documents in the proposed amendments file that were available for review;

WHEREAS, City Municipal Code Section 8-1A-4, as established by City of Liberty Lake Ordinance 115 regarding Special Events, is in conflict with both current City Development Code and approved amendments thereto;

NOW THEREFORE the City Council of the City of Liberty Lake does ordain as follows:

**Section 1.** City Development Code Amendments and River District Specific Area Plan 08-001 Development Code Amendments.

The approved City Development Code Amendments and RDSAP Amendments regarding Landscaping Standards are appended to this ordinance as "Exhibit A", and the approved Amendments regarding Community Event Permits are appended to this ordinance as "Exhibit B".

**Section 2.** City Municipal Code Amendments.

City Municipal Code Section 8-1A-4 regarding Special Events, as established by City of Liberty Lake Ordinance No. 115, is hereby repealed.

**Section 3:** Severability.

If any section, sentence, clause or phrase of this Ordinance and the attachments hereto shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 4.** Administration and Enforcement.

- A. Administration. Planning, Engineering & Building Services shall be responsible for the administration of this Ordinance.
- B. Enforcement. Projects that are subject to the provisions of this Ordinance and do not comply with the standards of this Ordinance shall be subject to the enforcement provisions of the Liberty Lake Municipal Code and City Development Code.

**Section 5** Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 16<sup>th</sup> day of January, 2024.

Cristella Kaminskas  
Mayor Cristella Kaminskas

**ATTEST:**

Kelsey Hardy  
City Clerk, Kelsey Hardy

**Approved As To Form:**

SPB  
City Attorney, Sean P. Boutz

Date of Publication: 1/26/2024

Effective Date: 1/31/2024

## Article 10-3C — Landscaping, Street Trees, Fences, & Walls

### 10-3C-1 Purpose

The purpose of this article is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment maintain and protect property values, enhance the City's appearance and character, visually unify the City and its neighborhoods, and promote proper plant selection and provide for continuous maintenance so that plant materials can flourish. Trees provide climate control through shading during summer months and wind screening during winter, and trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control stormwater drainage and can improve water quality, as compared to paved or built surfaces. The article is organized into the following sections:

- A. **10-3C-2 Landscape Conservation** - prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource and critical areas.
- B. **10-3C-3 New Landscaping** - sets standards for and requires site landscaping and buffering for parking and maneuvering areas, and between different zones. (Note that other landscaping standards may be provided in Chapter 2 - Zoning Districts, for specific types of development.)
- C. **10-3C-4 Street Trees** - sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.
- D. **10-3C-5 Fences and Walls** - sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Note that other fence and wall standards may be provided in Chapter 2- Zoning Districts, for specific types of development.)

**Deleted:** New landscape area calculations shall be calculated as the gross landscape area (length x width) less the areas where planting is not possible. These areas include the clear view triangle as defined §10-3B-2(N)s, utility pads, utility offsets, signs, and light fixtures offsets, and other similar infrastructure as defined below described in 10-3C-4(F)...

### 10-3C-2 Landscape Conservation

A. **Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation associated with streams, wetlands and other protected natural resource and critical areas. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems. The use of existing landscaping to incorporate into plantings is encouraged and existing landscape can be used to offset new landscaping requirements. Existing landscaping being used to offset new landscaping requirements will be indicated on the proposed plan.

#### B. Significant Vegetation.

1. Significant Trees and Shrubs - All trees within the public right of way with a trunk diameter of 12 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected, if practical and

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as applicable. Additionally, individual trees and shrubs with a trunk diameter of 12 inches or greater should be protected, if practical. Other trees may be deemed significant, when nominated by the property owner or City staff and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.)

2. Natural Resource / Critical Areas - Trees and shrubs on sites that have been designated as "Critical Areas" or natural resource areas, in accordance with Chapter 6 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.

3. Exception - Protection shall not be required for plants listed as non-native, Class A weeds by the Spokane County Noxious Weed Control Board or for non-native invasive plants.

4. Existing trees and shrubs protected during construction can be used to offset new landscaping requirements on a one for one basis provided they meet the other standards of this code.

- C. Mapping and Protection Required. All significant trees within the right of way and all Heritage Trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or "DBH"). A "protection" area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements. Other significant vegetation should be identified as existing vegetation on required landscape plans with their size and species, if the trees will be preserved as a portion of the required landscaping.

- D. Protection Standards. All of the following protection standards shall apply to significant vegetation identified in B above, other vegetation should comply whenever practical:

1. Protection of Significant Vegetation - Significant vegetation shall be retained whenever practical, as determined by the Zoning Administrator. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zoning district and relocation of the vegetation or replacement with equivalent vegetation with the closest DBH for trees or commercially available nursery size available in the Spokane/ Coeur d'Alene metro region shall be required within the development or if not possible, then relocated or replaced within another area in the City.

2. Protection of Natural Resource / Critical Areas - Natural Resource / Critical Areas shall be protected in conformance with the provisions of Chapter 6.

3. Conservation Easements and Dedications - When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect specific areas, including groves of significant trees or Heritage Trees.

- E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 6 and Subsection D above.

- F. Exemptions. The protection standards in "D" above shall not apply in the following situations:

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1. Dead, Diseased, and/or Hazardous Vegetation - Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies - Significant vegetation may be removed in the event of an emergency when the vegetation poses an immediate threat to life or safety, as determined by the Zoning Administrator. The Zoning Administrator shall prepare a notice or letter of decision within 15 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

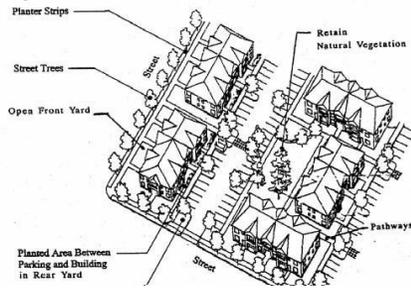
**10-3C-3 New Landscaping**

A. Applicability. All land uses shall comply with the requirements of this section, except temporary uses, single-family detached residential, and other uses not subject to Site Design Review as outlined in Article 10-4C, which must only comply with the requirements for the preservation of significant vegetation and landscape conservation identified in Section 10-3C-2 above.

B. Landscaping Plan Required. A landscape plan is required and shall be submitted and reviewed prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3(B)(1)(c)(vi). The landscape plan shall be prepared or approved by a licensed landscape architect licensed in the state of Washington and sealed with the landscape architect's stamp. In addition to the requirements outlined in 10-4C-3(B)(1)(c)(vi), the landscaping plan shall include:

1. New landscape area calculations shall be calculated as the gross landscape area (length x width) less the areas where planting is not possible. These areas include clear view triangles, utility pads, utility offsets, sign and light offsets, as defined in 10-3C-1B.
2. Identification of any existing landscape trees or shrubs that are included in the plan being used to offset the new landscaping requirements.

C. Bonding and Assurances. Prior to the issuance of any occupancy permits for a project, the project shall either install the required landscaping in accordance with the approved landscape plan or obtain bonding or other assurances as established in Section 10-4C-5. In the event a



bond or other assurance is needed, a temporary certificate of occupancy may be issued for a nine-month period to complete the installation of the landscaping. If the installation of the

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landscaping is not completed within the nine-month period, the security may be used by the City to complete the installation.

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D. Landscape Area Requirements. The landscaping requirements are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met and vision clearance areas (Section 10-3B-2, subsection N) are maintained. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue). The following are minimum percentages of required site landscaping based on types of development (the requirements in E-G below may require exceeding the percentages below). If after meeting the requirements in E-G below, the required minimum percentage has not been achieved; additional landscaping shall be added on the site around the buildings, in the parking areas, around the perimeter, etc. in order to meet the required minimum percentages below (percentage of the site that is required to be landscaped):

- 1. Multi-Family Residential (and other applicable residential projects in all zones) - 20%
- 2. Commercial, Industrial, and Other Non-Residential (RD-C) - 10%
- 3. Commercial, Industrial, and Other Non-Residential (RD-M) 15%
- 4. Government / Civic (all zones) - 20%

E. Interior Parking Area Landscaping. Interior parking area landscaping shall contribute to the total site area requirements in D above.

- 1. The interior of all parking areas shall contain landscape islands and peninsulas located in such a manner as to:
  - a. Divide and break up large expanses of paving.
  - b. Guide traffic flow and direction.
  - c. Promote pedestrian and vehicular safety.
  - d. Preserve existing trees and vegetation.

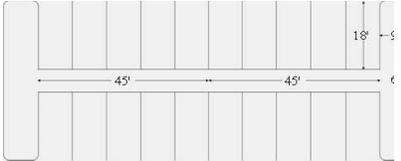
Interior landscaping shall consist of an evenly distributed mix of shade trees with shrubs. "Evenly distributed" means that the trees are distributed around the parking lot perimeter and between parking spaces to provide a partial canopy.

- 2. Landscape islands shall be installed to break up the parking area into rows of not more than 20 contiguous parking spaces or 10 spaces in one row.
  - a. Each end of each row of parking spaces shall require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape.
  - b. The minimum width for a landscape island that is parallel to a parking space shall be equivalent to the area of one parking space (e.g. 90 degree stalls are required to be a minimum of 9' x 18', therefore the landscape island shall be at least 9' x 18'). Each landscape island or peninsula shall contain a minimum of one (1) shade tree and a combination of five (5) deciduous and evergreen shrubs or groundcover.
  - c. No stormwater facilities are allowed within the required portions of landscape islands.

**Deleted:** Stormwater facilities added to areas with required landscape.

**Deleted:** Every other row of parking spaces shall be separated from one another by a six (6) foot landscape island that extends the entire length of the row of parking spaces. Such landscape island shall contain two (2) shade trees and ten (10) shrubs distributed per 45 linear feet. Additionally, a six (6) foot wide pedestrian walkway, running parallel to the landscape islands shall be provided for convenient pedestrian access to the building entry(s) and spaced approximately 250' apart throughout the parking lot.

When the parking is oriented parallel to the building face, a six (6) foot wide pedestrian walkway shall be provided through the parking lot from the furthest row of parking to the building entry. These pedestrian walkways run perpendicular to the building face and parking and shall be spaced no greater than 250' apart throughout the parking lot. Orientation of the walkway to the building entry and integration of the walkway into the required landscape along the driveway is encouraged. The pedestrian walkway shall be integrated with landscape islands when practical. The dimension of a landscape island with a 6' pedestrian walkway shall be no less than sixteen (16) feet to accommodate trees and snow removal.



Interior Parking Area Layout Exan

3. Alternative Interior Parking Lot Landscaping. Interior parking lot landscaping is required to supplement the perimeter parking lot landscaping in order to meet the following

**Deleted:** Stormwater management: Innovative stormwater techniques are encouraged. No stormwater facilities may be installed in required landscape areas.

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standards:

- a. No parking stall is located more than 50 feet from a shade tree, unless the site contains a large-scale building or development (buildings with greater than 20,000 square feet of enclosed ground floor space or multiple buildings with a combined enclosed ground floor space greater than 40,000 square feet (as per Section 10-2J- 10(C)(2))), then no parking stall shall be located more than 100 feet from a shade tree. Street trees and trees located on adjacent properties can be included for the purpose of this calculation if they are in close enough proximity to the parking.
- b. Required shade trees shall be located in landscape islands of not less than 100 sq. ft. in area, and not less than 9 feet in width.
- c. In addition to shade trees, landscape islands shall contain vegetative or non-vegetative ground cover. Shrubs are optional.
- d. Parking, loading, storage and/or display areas for tractor/trailers, buses, recreational vehicles, heavy equipment, and similar uses are exempt from interior parking lot landscaping requirements.

F. Perimeter Landscaping. Perimeter landscaping shall contribute to the total site area requirements in D above. The landscape screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways.

1. Perimeters Adjacent to Public Rights-of-way.

- a. Location: Portions of the parking lot parallel to the ROW, where plantings are located between the parking lot and the ROW. This section is not applicable to driveways.
- b. Parking areas that extend to within 50 feet of a public right-of-way shall provide a landscape screen between the parking area and the right-of-way.
- c. The landscape screen shall be a minimum of ten (10') feet in width and shall contain at least one (1) evergreen or deciduous tree and ten (10) shrubs distributed per 25 linear feet of street frontage. At least 50% of the perimeter trees shall be evergreen. Clustering of evergreen trees is encouraged. Incorporation of berms, low walls or other landscape features is encouraged. Street trees can be used in the count of required trees.

2. Perimeters Not Adjacent to Public Rights-of-way.

- a. Location: Portions of the parking area or vehicular area NOT adjacent to either a ROW or a structure. This section shall be applied to driveways, unless the driveway is adjacent to a structure, in which case 10-3C-3-F3 shall apply.
- b. In addition to F-1 above, the remaining perimeter of any parking areas, driveways, or other vehicular areas shall be surrounded by a continuous five (5') foot landscape border minimum. Such landscape border shall be required between any paved area and any property line, yard, or required yard. The landscape border may be interrupted for ingress and egress to structures and adjoining lots. When a shared driveway will be located at the property line, the perimeter landscaping can be located at the sides of the driveway or as a landscaped median, as applicable. The landscaped border shall consist of at least one (1) evergreen or deciduous tree and ten (10) shrubs distributed per 25 linear feet. At least 50% of the perimeter trees shall be evergreen. Clustering of

**Deleted:** Tree Installation

**Deleted:** <#>At the option of the applicant, the following tree installation requirements to provide a minimum of Fifty percent shading of paved parking lots and paved service areas may be utilized.¶  
 Fifty percent of paved parking lots and open service area surfaces shall be shaded by tree canopies within fifteen years of planting.¶  
 i. GENERAL¶  
 aa. A "paved parking lot" shall include parking stalls, driveways, and maneuvering areas.¶  
 bb. Trees planted to satisfy the requirements of these guidelines are landscaping as defined by Municipal Code and are subject to established landscaping requirements.¶  
 ii. LANDSCAPE PLAN REQUIRED¶  
 aa. A landscape plan which details the degree of compliance with the Parking Lot Shade Tree Ordinance is required. The plan shall show:¶  
 All landscaped areas.¶  
 Tree canopies drawn to scale representing the estimated canopy at a fifteen- year growth period.¶  
 The total area in square feet of the paved parking lot, driveways, and maneuver areas; and the area shaded by tree canopies. A schedule listing total parking area, shaded area, and the percentage of parking area shaded shall be included.¶  
 A schedule of the specific names of proposed trees and their sizes.¶  
 bb. Such plan shall be approved by the City prior to issuance of building permits. However, the plan is encouraged to be submitted at the time of site plan review.¶  
 iii. METHODOLOGY¶  
 aa. To simplify the process of determining compliance, the true angle of deflection of natural sunlight shall not be considered. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.¶  
 bb. Shading shall be provided by tree canopies except that any portion of a paved parking lot directly beneath and shaded by a man made structure (overhangs and covered parking, for instance) shall be deleted from the requirements of these performance standards and shall be subtracted from the area of th (... [1])

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evergreen trees is encouraged.

3. Landscape Border between Structures and Parking, vehicular area.

- a. The landscape border between any structure and parking, or, vehicular area shall be at least five (5') foot wide and consist of a minimum of ten (10) shrubs distributed per 25 linear feet. The landscape border is not required where a pedestrian path or sidewalk runs parallel to the building. The sidewalks / pedestrian paths located at the main building entrance shall be incorporated with plants. Borders between buildings and loading, storage or service areas that are not accessible to the general public are exempt from this requirement.
- b. Sight obscuring fences may be installed on the side yard and rear yard property lines of commercial developments with the perimeter landscaping installed between the parking area and the fence. Installation of shrubs on the inside of perimeter fencing is not required adjacent to loading, storage or other areas not accessible to the general public. Trees, however are still required. Chain link with slats is not approved.

4. Perimeters Adjacent to Interstate 90.

A 40 foot minimum landscape buffer shall be required for perimeters adjacent to Interstate 90 to reduce light glare, noise and aesthetic impacts of Interstate 90 on the development as well as provide an aesthetic buffer between development and Interstate 90 traffic.

- a. Width: 40 foot minimum
- b. Plant Material: The buffer shall contain an average of at least three (3) deciduous or coniferous trees and twenty (20) shrubs per 1000 square feet of buffer.
- c. Trees:
  - i. Evergreen: 50% of all trees, planted size 6-8'. Clustered in groups.
  - ii. Deciduous: 50% of all trees, planted size 2" caliper.
  - iii. Native, drought tolerant and adapted trees are highly encouraged.
- d. Shrubs: 50% evergreen and 50% deciduous when planted. Planted size: 5 gallon min. Native, drought tolerant and adapted shrubs are highly encouraged.
- e. Irrigation: Automatic irrigation systems are required. Drip irrigation and other water conservation measures are highly encouraged. Utilization of reclaimed water is required when available.
- f. Berms: Undulating berms ranging from 3' to 6' are encouraged. Berms to be constructed in natural shapes with integrated landscaping.
  - i. Berm slopes:
    - aa. Mown Turf: 4:1
    - bb. Native Grass: 3:1
    - cc. Shrubs: 2:1
- g. Stormwater: Innovative stormwater management techniques are encouraged. Stormwater facilities may be integrated in the 40' buffer as long as they do not exceed 50% of the total depth of the buffer at any one point.
- h. Pedestrian Facilities: Pedestrian pathways may be integrated in the 40' buffer as part of a larger pedestrian circulation system.

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5. Other Buffering.

Refer to Section 10-2I-6(D), RD-C Development Setbacks, Other Yard Requirements, for additional buffering required within the RD-C Zone.

G. Screening of Mechanical Equipment, Outdoor Storage, and Loading Areas placed at ground level. All mechanical equipment, outdoor storage and manufacturing areas, and loading, service, and delivery areas, shall be screened from view from all public streets and any Residential Zones. Screening shall be provided by one or more the following (minimum of 6 feet tall):

1. Decorative wall (i.e., masonry or similar quality material),
2. Evergreen hedge,
3. Sight-obscuring fence, or
4. Similar feature that provides a non-see-through barrier.

Walls, fences, and hedges shall comply with the vision clearance requirements (Section 10-3B-2, subsection N) and provide for pedestrian circulation, in accordance with Article 10-3B - Access and Circulation. (See Section 10-3C-5 for standards related to fences and walls.)

Chain link fences with slats do not meet the requirements of a site obscuring fence.

H. Refuse Enclosures. Trash dumpsters or compactors that are required by this Code shall be enclosed by a refuse enclosure consisting of a six (6) foot tall decorative or solid fence with fully sight obscuring access gates.

I. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practical and may contribute to the required landscaping.
2. Significant Vegetation. Significant vegetation preserved in accordance with Section 10-3C-2 above shall be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 10-3C-4 below may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
3. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, unless otherwise specified above. The selection plantings shall be based on local climate, exposure, water availability, and drainage conditions and non-native, invasive plants shall be prohibited. As necessary, soils shall be amended to allow for healthy plant growth.
  - a. Minimum Deciduous Tree Size. Deciduous trees shall have a caliper size of 1.75 inches or greater, or be at least 10 feet tall at time of planting. Plant sizing can vary, with reductions if proven that larger tree sizes are not readily available.
  - b. Minimum Evergreen Tree Size. Evergreen trees shall be at least 6 feet tall at time of planting and have a low-branching habit with dense foliage.
  - c. Minimum Shrub Size. Shrubs or perennials shall be planted from 2 gallon containers or larger, and be at least 12" tall at time of planting. Perennials may be planted from 1 gallon containers if 2 gallon are not available.

**Deleted:** Mixed Residential Zone Buffering. A 20 foot minimum landscape buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts, as outlined in Chapter 2, the buffer zone shall be as follows:  
A minimum width of twenty (20) feet.  
Density provided based on per 1000 square feet of buffer. The landscaped border shall consist of at least three (3) shade, ornamental or evergreen trees and twenty (20) shrubs distributed per 25 linear feet of perimeter. Clustering of similar trees in groups of 3-5 is highly encouraged. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc.  
Where fences are not installed, berming or other landscape treatment is encouraged to integrate the screening with the overall landscape design of the adjacent properties.

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4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 10 percent of the required site landscape area; except in the RD-MU, where hardscape features may cover up to 20 percent of the required site landscape area (e.g. on a five acre site in the RD-M zone, 15% of the site or 32,670 sq. feet, is required to be landscaped, of that 32,670 sq. feet, 6534 sq. feet may be covered by hardscape features). Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
  5. Plant & Non-plant Ground Covers. Plant groundcovers and bark mulch, chips, aggregate, or other non-plant ground covers are encouraged to be used around trees and shrubs in landscaped areas.
  6. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) should be landscaped with water tolerant, native plants.
- J. Protective Curbing. All landscaped areas shall be protected from vehicle damage by a six (6) inch high protective concrete curbing, consistent with drainage requirements. Raised/rolled curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.
- K. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and xeriscaping may be required when irrigation is not available. An automatic Irrigation system shall be provided for plants that are not drought-tolerant and the use of drip irrigation and moisture sensing timers is encouraged. Landscaping shall comply with City Water Conservation Ordinances, as adopted or amended. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen of the same size (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.
- L. Additional Requirements.
1. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Article 10-4H).
  2. Reclaimed water use in landscape areas is required when available.
  3. Landscape design should take into account the integration of required trees and shrubs with required exterior lighting, as well as monument and freestanding signage.
    - i.
  4. In accordance with City Development Code Section 10-1B-8, Alternative Methods of Compliance, the City may approve alternatives to the landscape requirements, if the consistency and other standards of Section 10-1B-8 are met.
- M. Shopping Cart Storage & Return Stations.  
When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations:
1. Shopping cart return stations shall be identified on the site plan and the locations shall

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be approved by the City;

- 2. Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas (see integrated curb example below);
- 3. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at any time; and
- 4. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.



**10-3C-4 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 10-3G-2, Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. Landscaping Plan Required. A landscape plan is required and shall be submitted and approved by the City prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3, and shall indicate the anticipated height and width of each tree species proposed at maturity. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.
- B. Acceptable Street Trees. Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting on rights-of-way and other public lands.

The following sections C – F contain guidance for selecting species of trees proposed for planting on rights-of-way and other public lands.

All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's "Z60.1 American Standards for Nursery Stock" as published by AmericanHort.

- C. Growth Characteristics. Trees shall be selected based on the compatibility of their growth characteristics with site conditions, including but not limited to: available space for trees to grow above and below ground; required clearances for traffic, visibility and other infrastructure; soil conditions; and, exposure. The following should guide tree selection:
  - 1. Provide a broad canopy where shade is desired.
  - 2. Use low-growing trees for spaces under utility wires.
  - 3. Select trees which can be "limbed-up" as the tree grows to accommodate vision clearance requirements.

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- 4. Use narrow or "columnar" or other similar trees with narrow or upright growth forms, where awnings or other building features may limit growth, or where greater visibility is desired between buildings and the street.
- 5. Use species with similar characteristics on the same block for design continuity.
- 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
- 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, deicing chemicals, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
- 8. Use deciduous trees for summer shade and winter sun.

D. Size at Planting. The minimum caliper size at planting shall be 1 ¾ inches.

E. Size at Maturity. The following size classes which categorize tree species' size at maturity are set forth as follows, and are referenced throughout other provisions of this section. [See Paragraph J of this Section for a list of acceptable street tree species.]

1. Class I Trees (Small Trees) are 20'-30' tall at maturity. Examples include but are not limited to:

*Crataegus x lavallei* = Lavalle Hawthorne

*Maackia amurensis* = Amur Maackia

*Malus x 'Spring Snow'* = Spring Snow Crabapple (fruitless)

*Parrotia persica* = Persian Parrotia

2. Class II Trees (Medium Trees) are 30'-50' tall at maturity. Examples include but are not limited to:

*Acer campestre* = Hedge Maple

*Gleditsia triacanthos 'Skycole'* = Skyline Thornless Honeylocust

*Tilia americana 'Redmond'* = Redmond Linden

*Tilia tomentosa 'Sterling'* = Sterling Silver Linden

3. Class III Trees (Large Trees) are in excess of 50' tall at maturity. Examples include but are not limited to:

*Acer x freemanii 'Autumn Blaze'* = Autumn Blaze Maple *Acer saccharum* spp. = Sugar Maple Varieties

*Ginkgo biloba* = Maidenhair Tree *Liriodendron tulipifera* = Tulip Tree

F. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The use of grass in sidewalk tree wells is discouraged and if necessary, shall only be utilized in a manner approved by the City. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity.

1. Spacing. The spacing of Street Trees should be based upon the size of the tree selected and the canopy size at maturity, in accordance with the three species classes listed below:

a. Class I Trees (Small Trees): 15 = 30 feet

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- b. Class II Trees (Medium Trees): 30 = 40 feet
- c. Class III Trees (Large Trees): 40 = 50 feet
- d. Exceptions = special plantings designed or approved by a landscape professional or certified arborist.

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2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in paragraph F (above), and no trees may be planted closer to any curb or sidewalk than the following, except in the case of existing plantings:

Deleted: <#>Street trees are to be located in available planting areas as determined once utilities, clearview triangles, lights, fire hydrants and other improvements and offsets identified below are taken into account and spacing is adjusted.¶

- a. Class I Trees (Small Trees) and Class II (Medium Trees) - three feet (minimum planting strip width of six feet)
- b. Class III Trees (Large Trees) - four feet (minimum planting strip width of eight feet)
- c. For existing planting strips less than 6 feet in width, only Class I Trees will be permitted, for replanting purposes.

The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal, vertical clearances, and visibility at intersections.

3. Separation Distances from Other Infrastructure Fixtures. Street trees are to be located in available planting areas as determined once improvements and infrastructure identified below are taken into account and spacing is adjusted. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City. :

Deleted: <#>Separation Distances from Other Infrastructure Fixtures. Street trees are to be located in available planting areas as determined once improvements and infrastructure identified below are taken into account and spacing is adjusted. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:

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- a. Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard;
- b. 15 feet from the edge of any commercial or multi-family driveway;
- c. Half the measured distance between the curb and the sidewalk will be used as the offset dimension from an alley or single family driveway;
- d. 15 feet from any light fixture;
- e. 7 feet from any fire hydrant;
- f. 15 feet from any utility poles;
- g. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);
- h. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);
- i. 10 feet from any dry well.
- j. 5 feet from any curb cut for drainage; and,

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G. Planting Standards. Street trees shall be planted in accordance with City of Liberty Lake Engineering Design Standards, Section 3.3(K)(3), Planting Standards.

H. Soil Preparation, Planting, and Care. The developer or abutting property owner, as applicable, shall be responsible for ensuring the planting of street trees, including soil preparation, ground

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cover material, staking, and temporary irrigation for two years after planting. The developer or abutting property owner, as applicable, shall also be responsible for ensuring the tree care (pruning, irrigating, fertilization, and replacement as necessary). Note: if at any time a street tree is substantially damaged by a vehicle or other means, it shall be the responsibility of the person causing the damage to replace the tree with one of similar species and size. Contact the City of Liberty Lake for additional information on street tree planting, pruning, and replacement.

- I. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.
- J. Street Tree List. The City of Liberty Lake is a Tree City USA and the program emphasizes native species and encourages species diversity. The City maintains a non-exhaustive list of approved Street Tree species for the City of Liberty Lake, Washington. Other trees, with characteristics similar to the above listed trees, and consistent with paragraph C of this section, may be used with prior approval from City staff.

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## City of Liberty Lake Development Code Chapter 3 Design and Maintenance Standards

### 10-3C-4 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 10-3G-2 - Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. Landscaping Plan Required. A landscape plan is required and shall be submitted and approved by the City prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3 and shall indicate the anticipated height and width of each tree species proposed at maturity. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.
  
- B. Acceptable Street Trees. Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting on rights-of-way and other public lands. The following sections C – F contain guidance for selecting species of trees proposed for planting on rights-of-way and other public lands. All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's "*Z60.1 American Standards for Nursery Stock*" as published by AmericanHort.
  
- C. Growth Characteristics. Trees shall be selected based on the compatibility of their growth characteristics with site conditions, including but not limited to: available space for trees to grow above and below ground; required clearances for traffic, visibility and other infrastructure; soil conditions; and, exposure. The following should guide tree selection:
  - 1. Provide a broad canopy where shade is desired.
  - 2. Use low-growing trees for spaces under utility wires.
  - 3. Select trees which can be "limbed-up" as the tree grows to accommodate vision clearance requirements.
  - 4. Use narrow or "columnar" or other similar trees with narrow or upright growth forms, where awnings or other building features may limit growth, or where greater visibility is desired between buildings and the street.
  - 5. Use species with similar characteristics on the same block for design continuity.
  - 6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, deicing chemicals, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Use deciduous trees for summer shade and winter sun.

D. Size at Planting. The minimum caliper size at planting shall be 1 ¾ inches.

E. Size at Maturity. The following size classes which categorize tree species' size at maturity are set forth as follows, and are referenced throughout other provisions of this section. [See Paragraph J of this Section for a list of acceptable street tree species.]

1. Class I Trees (Small Trees) are 20'-30' tall at maturity. Examples include but are not limited to:

*Crataegus x lavalleyi* - Lavalley Hawthorne

*Maackia amurensis* - Amur Maackia

*Malus x 'Spring Snow'* – Spring Snow Crabapple (fruitless)

*Parrotia persica* - Persian Parrotia

2. Class II Trees (Medium Trees) are 30'-50' tall at maturity. Examples include but are not limited to:

*Acer campestre* - Hedge Maple

*Gleditsia triacanthos 'Skycole'* - Skyline Thornless Honeylocust

*Tilia americana 'Redmond'* – Redmond Linden

*Tilia tomentosa 'Sterling'* – Sterling Silver Linden

3. Class III Trees (Large Trees) are in excess of 50' tall at maturity. Examples include but are not limited to:

*Acer x freemanii 'Autumn Blaze'* - Autumn Blaze Maple

*Acer saccharum* spp. - Sugar Maple Varieties

*Ginkgo biloba* - Maidenhair Tree

*Liriodendron tulipifera* - Tulip Tree

F. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The use of grass in sidewalk tree wells is discouraged and if necessary, shall only be utilized in a manner approved by the City. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity.

1. Spacing. The spacing of Street Trees should be based upon the size of the tree selected and the canopy size at maturity, in accordance with the three species classes listed below:

- a. Class I Trees (Small Trees): 15 - 30 feet
- b. Class II Trees (Medium Trees): 30 - 40 feet
- a. Class III Trees (Large Trees): 40 - 50 feet
- b. Exceptions - special plantings designed or approved by a landscape professional or certified arborist.

2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in paragraph F (above), and no trees may be planted closer to any curb or sidewalk than the following, except in the case of existing plantings:

- a. Class I Trees (Small Trees) and Class II (Medium Trees) - three feet (minimum planting strip width of six feet)
- b. Class III Trees (Large Trees) - four feet (minimum planting strip width of eight feet)
- c. For existing planting strips less than 6 feet in width, only Class I Trees will be permitted, for replanting purposes.

The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal, vertical clearances, and visibility at intersections.

3. Separation Distances from Other Infrastructure Fixtures. Street trees are to be located in available planting areas as determined once improvements and infrastructure identified below are taken into account and spacing is adjusted. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:

- a. Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard;
- b. 15 feet from the edge of any commercial or multi-family driveway;
- c. Half the measured distance between the curb and the sidewalk will be used as the offset dimension from an alley or single family driveway
- d. 15 feet from any light fixture;
- e. 7 feet from any fire hydrant;
- f. 15 feet from any utility poles;

**Deleted:** No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:

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- h. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);
  - i. 5 feet from any curb cut for drainage; and,
  - j. 10 feet from any dry well.
- G. Planting Standards. Street trees shall be planted in accordance with City of Liberty Lake Engineering Design Standards, Section 3.3(K)(3), Planting Standards.
- H. Soil Preparation, Planting, and Care. The developer or abutting property owner, as applicable, shall be responsible for ensuring the planting of street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or abutting property owner, as applicable, shall also be responsible for ensuring the tree care (pruning, irrigating, fertilization, and replacement as necessary). Note: if at any time a street tree is substantially damaged by a vehicle or other means, it shall be the responsibility of the person causing the damage to replace the tree with one of similar species and size. Contact the City of Liberty Lake for additional information on street tree planting, pruning, and replacement.
- I. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.
- J. Street Tree List. The City of Liberty Lake is a Tree City USA and the program emphasizes native species and encourages species diversity. The City maintains a non-exhaustive list of approved Street Tree species for the City of Liberty Lake, Washington. Other trees, with characteristics similar to the above listed trees, and consistent with paragraph C of this section, may be used with prior approval from City staff.

**Exhibit B**  
**COMMUNITY EVENT PROPOSED AMENDMENTS**  
**City Development Code**

**Article 10-1C — Definitions**

**Community event** - A celebration, fair, festival, ~~or other~~ special event, ~~or other activity held on public or private property which may have a direct significant impact on city services (e.g., streets, parks emergency services, etc.). generally recognized by the community and advertised as such.~~ Examples are the Pavillion Park Summer Festival, Easter Egg Hunt, Memorial Day Pancake Feed, Liberty Lake Yard Sale, Barefoot in the Park, Mutt Strut, Winter Festival, ~~This includes~~ harvest or holiday festivals, ~~grand openings, recurring seasonal or special events,~~ annual sporting events and fundraisers, etc. that are recognized and advertised in the community and open to the general public.

**Public assembly** - Places where public or private groups assemble for civic, educational, political, religious, or social purposes including, but not limited to, arenas, religious institutions, lecture halls, theaters, schools, auditoriums, and stadiums. ~~A public assembly permit must be obtained prior to holding the public assembly.~~

**Article 10-2A-4 – Zoning Matrix**

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Agriculture (actively farmed)	N	N	N	N	L	N	N	N	N	N	N
Agricultural product / craft sales stand (Farmer's market)	N	N	N	L	L	L	L	L	L	L	L
Church / religious institution	P	P	P	P	P	P	P	P	P	N	N
Funeral home / mortuary	N	N	N	N	N	N	P	N	N	N	N
Home occupation	L	L	L	L	L	L	N	N	N	N	N
Hospital - EPF	N	N	N	N	P	N	P	P	P	N	N
Large-scale retail establishments	N	N	N	N	L	L	N	L	N	N	N
Marijuana Producer	N	N	N	N	N	N	N	N	N	N	N
Mobile sales / concessions	L	L	L	L	L	L	L	L	L	L	L
Parking structure	N	N	L	L	L	L	L	L	L	N	N
Planned unit development (PUD)	P	P	P	P	P	P	P	P	P	N	N
<del>Public assembly</del>	<del>⬇</del>										
<del>Seasonal &amp; special events</del>	<del>⬇</del>										

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Temporary construction / sales office	L	L	L	L	L	L	L	L	L	L	L
Tower	N	N	N	N	N	N	L	N	L	N	N
Tower, private	L	L	L	L	L	L	L	L	L	N	N

**Article 10-2B — R-1 (Single Family Residential) District**

C. Requirements for Specific R-1 Limited Uses.

**1. Home Occupation**

- a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

**3. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**4. Seasonal & special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**5.3. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2C — R-2 (Mixed Residential) District**

C. Requirements for Specific R-2 Limited Uses.

**1. Home Occupation**

- a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

**3. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**4. Seasonal & special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**5.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2D — R-3 (Multi-Family Residential) District**

**C. Requirements for Specific R-3 Limited Uses.**

**1. Home Occupation**

- a. ~~Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.~~

**2. Mobile sales / concessions**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~
- b. ~~Only permitted during special community events such as Liberty Lake Yard Sale Weekend.~~

**3. Parking structure**

- a. ~~Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.~~
- b. ~~Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.~~

**4. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**5. Seasonal and special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

## Article 10-2E — M-1 (Neighborhood Center Mixed-Use) District

### C. Requirements for Specific M-1 Limited Uses.

#### 1. **Agricultural product / craft sales stand (Farmer's market)**

- a- Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b- Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c- A minimum aisle width of 6 feet shall be maintained between booths or displays.

#### 2. **Home Occupation**

- a- Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

#### 3. **Mobile sales / concessions**

- a- Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b- Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c- Mobile sales/ concessions may be located in public right-of-way when associated with a ~~special~~ community event, ~~such as Liberty Lake Yard Sale Weekend~~, with the approval of the adjacent property owner or business.
- d- Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

#### 4. **Parking structure**

- a- Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.
- b- Parking structure entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

#### 5. **Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**6. Seasonal & special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1~~

**7.5. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2F — M-2 (Community Center Mixed-Use) District**

**C. Requirements for Specific M-2 Limited Uses.**

**5. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a ~~special~~ community event, ~~such as Liberty Lake Yard Sale Weekend~~, with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**6. Parking structure**

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.
- b. Parking structure entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

**7. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official~~

**8. Seasonal & special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as~~

~~outlined in Section 10-4I-1.~~

**9.7. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2G — M-3 (Central Business District Mixed-Use) District**

C. Requirements for Specific M-3 Limited Uses.

**4. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a ~~special~~ community event, ~~such as Liberty Lake Yard Sale Weekend,~~ with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**5. Parking structure**

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.
- b. Parking structure entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

**6. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**7. Seasonal and special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**8.6. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2H — C-1 (Community Commercial) District**

**C. Requirements for Specific C-1 Limited Uses.**

**1. Agricultural product / craft sales stand (Farmer's market)**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a special community event, ~~such as Liberty Lake Yard Sale Weekend,~~ with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**3. Parking structure**

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
- b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

**4. ~~Public assembly~~**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**5. ~~Seasonal and special events~~**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1

**Article 10-2I — C-2 (Freeway Commercial) District**

C. Requirements for Specific C-2 Limited Uses.

**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
- c. Mobile sales/ concessions may be located in public right-of-way when associated with a ~~special~~ community event, ~~such as Liberty Lake Yard Sale Weekend,~~ with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**4. Parking structure**

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
- b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

~~5. Public assembly~~

- ~~a. Requires application for and approval of a Public Assembly Permit from the Building Official.~~

~~6. Seasonal and special events~~

- ~~a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

~~7.5. Temporary construction / sales office~~

- ~~a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**Article 10-2J — I (Light Industrial) District**

C. Requirements for Specific I Limited Uses.

**1. Agricultural product / craft sales stand (Farmer's market)**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established.
- c. Mobile sales/concessions may be located in public right-of-way when associated with a ~~special~~ community event, ~~such as Liberty Lake Yard Sale Weekend,~~ with the approval of the adjacent property owner or business.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

**3. Parking structure**

- a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
- b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side-street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

~~4. Public assembly~~

- ~~a. Requires application for and approval of a Public Assembly Permit from the Building Official.~~

~~5. Seasonal and special events~~

- ~~a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2K — P (Public / Semi-Public Institutional) District**

C. Requirements for Specific P Limited Uses.

**1. Agricultural product / craft sales stand (Farmer's market)**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

**2. Animal shelter / kennel**

- a. Only temporary boarding permitted (48 hour maximum time).

**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events ~~such as Liberty Lake Yard Sale Weekend.~~

**4. Public assembly**

- ~~a. Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**5. Seasonal and special events**

- ~~a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2L — O (Open Space / Recreation) District**

C. Requirements for Specific O Limited Uses.

**1. Agricultural product / craft sales stand (Farmer's market)**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
- c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

**2. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during ~~special~~ community events ~~such as Liberty Lake Yard Sale Weekend.~~

**3. ~~Public assembly~~**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**4. ~~Seasonal & special events~~**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**5.3. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

## COMMUNITY EVENT AMENDMENTS River District Development Regulations

River District SAP Changes

### Article 10-1C — Definitions

**Community event** - A celebration, fair, festival, ~~or other special event, or other activity held on public or private property which may have a direct significant impact on city services (e.g., streets, parks, emergency services, etc.) generally recognized by the community and advertised as such.~~ Examples are the Pavillion Park Summer Festival, Easter Egg Hunt, Memorial Day Pancake Feed, Liberty Lake Yard Sale, Barefoot in the Park, Mutt Strut, Winter Festival. This includes harvest or holiday festivals, grand openings, recurring seasonal or special events, annual sporting events and fundraisers, etc. that are recognized and advertised in the community and open to the general public.

**Public assembly** - Places where public or private groups assemble for civic, educational, political, religious, or social purposes including, but not limited to, arenas, religious institutions, lecture halls, theaters, schools, auditoriums, and stadiums. ~~A public assembly permit must be obtained prior to holding the public assembly.~~

### Article 10-2C — RD-R (Mixed Residential) District

#### C. Requirements for Specific RD-R Limited Uses.

##### 1. **Agriculture (actively farmed)**

- a. Existing uses only, new agriculture (actively farmed) uses not permitted.
- b. Small scale orchards, vineyards and community gardens are permitted.

##### 2. **Home Occupation**

- a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

##### 3. **Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during special community events ~~such as Liberty Lake Yard Sale Weekend.~~

##### 4. ~~Public assembly~~

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

##### 5. ~~Seasonal and special events~~

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

##### 6.4. **Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

## **Article 10-2E — RD-M (Neighborhood Center Mixed-Use) District**

- C. Requirements for Specific RD-M Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

- 1. Agriculture (actively farmed)**

- a. Existing uses only, new agriculture (actively farmed) uses not permitted.
    - b. Small scale orchards, vineyards and community gardens are permitted.

- 2. Home Occupation**

- a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.

- 3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    - b. Only permitted during ~~special~~ community events ~~such as Liberty Lake Yard Sale Weekend.~~

- 4. Public assembly**

- ~~a. Requires application for and approval of a Public Assembly Permit from the Building Official.~~

- 5. Seasonal and special events**

- ~~a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

- 6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**Article 10-2I — RD-C (Freeway Commercial) District**

**C. Requirements for Specific RD-C Limited Uses.**

**3. Mobile sales / concessions**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. Only permitted during ~~special~~ community events ~~such as Liberty Lake Yard Sale Weekend.~~

**4. Public assembly**

- a. ~~Requires application for and approval of a Public Assembly Permit from the Building Official.~~

**5. Seasonal and special events**

- a. ~~Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.~~

**6.4. Temporary construction / sales office**

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

**4.1 - River District Zoning District Matrix**

**River District SAP Zoning Districts Matrix**

Facilities and Uses	RD-R	RD-M	RD-C
Agriculture (actively farmed)	L	L	L
Agricultural product / craft sales stand (Farmer's market)	N	P	P
Church / religious institution	P	P	P
Funeral home / mortuary	N	N	N
Home occupation	L	L	N
Hospital - EPF	N	P	P
Large-scale retail establishments	N	N	L
Marijuana Producer	N	N	N
Mobile sales / concessions	L	L	L
Parking structure	N	P	P
Planned unit development (PUD)	P	P	P
<del>Public assembly</del>	<del>L</del>	<del>L</del>	<del>L</del>
<del>Seasonal and special events</del>	<del>L</del>	<del>L</del>	<del>L</del>
Temporary construction / sales office	L	L	L
Tower	N	N	N
Tower, private	N	N	L

## **New Development Code Section 10-4I-5**

### **10-4I-5 Community Event Permits**

#### **A. Purpose and Intent**

1. The purpose of this section is to support and encourage the safe and orderly execution of community events while recognizing the impact these events have on the availability of City services. These permits aim to facilitate the planning, coordination, and management of events that are of a temporary nature and have the potential to impact public spaces, infrastructure, and the well-being of residents.
2. The community event permit process serves several essential objectives:
  - a. **Public Safety:** Community event permits establish guidelines and requirements to protect the safety and security of attendees, participants, and the general public. They enable event organizers to implement necessary safety measures, such as crowd control, emergency preparedness, and traffic management, to mitigate risks and potential hazards associated with large gatherings.
  - b. **Resource Management:** By reviewing and issuing community event permits, the City can ensure efficient allocation and management of public resources. These resources may include public spaces, parking facilities, emergency response, and other municipal services necessary to support the event. The permit process helps prevent conflicts and overlapping of events, allowing optimal utilization of available resources.
  - c. **Preservation of Public Order:** Community event permits help maintain public order and minimize disruption to the daily life of residents. Setting guidelines for event duration, noise levels, parking restrictions, and other relevant factors, ensure that events do not unduly interfere with the rights and comfort of the local community. It seeks to strike a balance between facilitating vibrant and diverse events and preserving the quality of life for all residents.

#### **B. Permit Required**

1. No person shall conduct a community event as defined in §10-1C unless a permit has been obtained from the City, unless otherwise explicitly exempted from permit in paragraph C, below.

#### **C. Permit Exceptions**

1. The following activities are exempt from the requirement to obtain a community event permit, although such activities must still comply with all other applicable laws:
  - a. A funeral or wedding procession;
  - b. Dances or other social events conducted by schools or churches on their property or similar events held in buildings designed to accommodate such events;

- c. Individual garage or rummage sales on private property;
- d. Recreational activities or gatherings at a City park that are otherwise regulated by the City's park rental and use policies;
- e. Events sponsored by a homeowner's association, hosted on HOA property, and not expected to draw more than 100 people;
- f. Activities conducted by a governmental agency acting within the scope of its authority; and
- g. Lawful picketing on sidewalks.

D. Insurance Required for Community Event Permits

1. The applicant shall provide the City with a declaration page demonstrating proof of **liability** insurance in the **types and** amounts established by the City's insurance carrier. Evidence of insurance shall be filed with the application and shall name the City of Liberty Lake as an additional named insured. Depending upon the nature of the community event and its risk to the public and private individuals, the City Administrator or designee may increase or reduce the liability limits for a given event after consultation with the City's insurance carrier.
2. The applicant shall defend, indemnify, and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the applicant's event, or from any activity, work or thing done, permitted, or suffered by applicant which arises from the applicant's event, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

E. Traffic Control

1. The City Administrator or designee may require any reasonable and necessary traffic control with the applicant responsible for the expense. The City Administrator or designee shall notify the applicant of any City-projected traffic control expense and collect this amount before a permit is issued.

F. Application Submittal and Contents

1. Completed Community Event Application and all associated fees.
2. Site Map Showing:
  - a. North arrow
  - b. Property boundaries and dimensions
  - c. Width & name of adjacent streets
  - d. Dimensions and locations of on-premises signage
  - e. Existing buildings

- f. Dimensions and location of all temporary buildings (including tents)
  - g. Restrooms
  - h. Trash receptacles
  - i. Event layout showing locations of booths, food, rides, displays, etc.
  - j. Exit locations
  - k. Fire extinguishers
  - l. Parking spaces and driveways
  - m. Fences (temporary or permanent)
  - n. Bleachers or stage
  - o. Temporary lighting
  - p. Temporary heaters, grills, fire pits, or other heat sources
  - q. Proposed route (parades, marathons, walks, etc.)
3. Traffic Control Plan (if utilizing streets, sidewalks, or bike lanes)
  4. Certificate of Liability Insurance
  5. Map showing the dimensions, location, and dates of display of all off-premises signage
  6. Banquet Permit issued by the Washington State Liquor and Cannabis Board (if serving alcohol)
  7. Temporary Food Establishment or Food & Beverage Worker Permit issued by the Spokane Regional Health District (if serving food that is not pre-packaged)
  8. List of all participating vendors or food trucks.

G. Permit Review Process

1. The City will process applications on a first-come, first-served basis. Applications shall be submitted no later than 45 days prior to the scheduled event.
2. Applications shall be reviewed for completeness and then distributed to the appropriate staff and agencies for review as applicable. The reviewing authorities include but are not limited to:
  - a. Liberty Lake Planning, Engineering, and Building Department
  - b. Liberty Lake Parks & Recreation Department
  - c. Liberty Lake Police Department
  - d. Liberty Lake Streets and Operations Department

- e. Spokane Valley Fire Department
  - f. Spokane Transit Authority
  - g. Central Valley School District
3. Using the Exempt project procedure under Article 10-4B, the Director or designee shall approve, approve with conditions, or deny a community event permit based on the criteria listed in 10-4I-5(H) and 10-4I-5(I) below.
- H. Approval Criteria - The Director or designee shall approve or approve with conditions a community event permit based on a finding that all of the following criteria have been satisfied:
- 1. The applicant has provided proof that the property-owner has given permission to use his/her property in the proposed manner.
  - 2. No parking shall be utilized by customers or employees of the event which is needed by the principal use to meet the minimum parking requirement under Article 10-3D - Vehicle and Bicycle Parking.
  - 3. No aspect of the proposed event layout will result in the obstruction of required clear-view triangles, as required in Section 10-3B-2, subsection N, nor result in the obstruction of pedestrian access on public streets, pathways, or sidewalks, without the provision of an approved traffic control plan.
  - 4. Proposed ingress and egress will be safe and adequate when combined with the other uses of the property.
  - 5. The event does not create adverse, off-site impacts such as excessive vehicle traffic, noise, odors, vibrations, glare, or lights that unreasonably affect neighboring properties.
  - 6. The applicant has provided all the required application materials and any additional documents or information requested by the City.
  - 7. The proposed community event location will be available on the proposed date, and no other events are scheduled to take place at the location on that date and time or, if another event is scheduled to take place, that event organizer has provided written consent to the City to allow a parallel event to take place at the same location, date, and time;
  - 8. The police department, fire department, and operations department have determined the following:
    - a. The proposed event will not endanger public safety or health;
    - b. The proposed event will not seriously inconvenience or impair the general public's use of public property, services, or facilities;
    - c. The location of the proposed event will not substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit.

- I. Denial Criteria - The City may deny an application for a community event permit if in the sole discretion of the Director or designee:
  1. The permit application was submitted less than forty-five (45) days prior to the event;
  2. The applicant has failed to remit all fees, documents, or proof of insurance;
  3. The applicant has provided false or misleading information;
  4. The applicant has refused to agree, to abide or comply with all of the conditions and terms of the permit;
  5. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;
  6. The event would substantially interfere with the provision of City services or governmental functions;
  7. The size or nature of the event would require supervision by a significant number of police officers, such that it would result in unreasonable expense or diversion of police duties;
  8. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities;
  9. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public;
  10. There are not sufficient safety personnel or other necessary City staff to accommodate the event;
  11. The applicant has failed to conduct a previously authorized community event in accordance with law or the terms of a permit, or both;
  12. The police department or City Engineer has failed to approve the permit due to traffic or other safety concerns; or
  13. The applicant has failed to provide sufficient safety, health or sanitation equipment, services, or facilities.
  
- J. Permit Conditions – The City Administrator or designee may condition the issuance of a community event permit by imposing reasonable requirements concerning time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not limited to the following:
  1. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.
  2. Conditions concerning the area of assembly and disbanding of an event along a route.
  3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

4. Requirements for the use of traffic cones or barricades.
5. Requirements for the provision of first aid and sanitary facilities.
6. Requirements for the provision of fire, police, emergency medical protection, and parks and public works crews for maintenance and cleanup, if necessary.
7. Requirements for coordination with the Fire Department and emergency personnel for emergency treatment and evacuation of people who may need immediate care, cardiopulmonary resuscitation, or ambulance service; emergency communication; fire suppression equipment within structures; and maintenance of unobstructed emergency passageways.
8. Requirements for use of event monitors and provide notice of permit conditions to event participants.
9. Restrictions on the number and type of vehicles, animals, or structures at an event.
10. Compliance with animal protection ordinances and laws.
11. Requirements for use of garbage containers, cleanup, and restoration of City property.
12. Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws.
13. Notice to residents and/or businesses regarding any activity that would require a street closure or negatively impact the normal use of neighboring properties.
14. Restrictions on the sale and/or consumption of alcohol.
15. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the city.
16. Compliance with any other applicable federal, state or local law or regulation.
17. Any other restriction or requirement deemed necessary to ensure public safety and well-being.

K. Permit Revocation

1. The City Administrator or designee shall have the authority to revoke a permit upon in the event of non-compliance with conditions of the approval of the permit, or upon violation of the community event standards as established herein. The City Administrator or designee shall also have the authority to revoke a permit if an event cannot be held due to a public health directive or declaration of a state or local emergency. If a permit is revoked due to a public health directive or other emergency measures, the application fee shall be refunded to the applicant. In the event of revocation, the City Administrator or designee shall notify the permittee of the revocation, in writing, as soon as reasonably possible.

L. Appeals

2. Upon denial of a permit an applicant may file an appeal to the hearing examiner in accordance with the procedures detailed in §10-4G-2(H) of this title. Said appeal shall be filed in writing within 14 days from the decision to deny.

M. Fees, Waivers, and Cleanup Deposits

1. No fee shall be imposed when an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United StateConstitution. prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5 or 11 of the Washington Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.
2. There shall be a nonrefundable fee paid by the sponsor(s) at the time of application for each community event (or approved series of not-for-profit community events) as reflected in the City's fee schedule.
3. Upon approval of an application for a permit for a community event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the City Administrator or designee shall provide the applicant with an estimated cost of providing City personnel and equipment prior to permit issuance. The applicant must sign off on the anticipated charges. Actual costs will be billed to the applicant after the event. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required City services, including the cost of operating the equipment to provide such services.
4. The applicant of an event, not protected under the First and Fourteenth Amendments of the U.S. Constitution, involving the sale of food or beverages for immediate consumption, erection of structures, horses or other animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide a cleanup deposit prior to the issuance of a community event permit.

The cleanup deposit may be refunded after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost by the City for cleanup and restoration. The cleanup deposit shall be applied toward the payment of the bill.

N. Violation – Penalty

1. It shall be unlawful for any person to operate or conduct a community event requiring a community event permit pursuant to this ordinance unless a valid permit has been issued

and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the organizer/operator of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

2. The community event permit authorizes the permittee to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.
3. Violations of this chapter shall constitute a Class 1 civil infraction.