

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 173**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, AMENDING
THE CITY COMPREHENSIVE PLAN AND CITY DEVELOPMENT CODE FOR
2008.**

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

WHEREAS, an extensive public participation program was followed for the 2008 Comprehensive Plan and Development Code Amendments

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 the proposed amendments with a 14 day public comment period; and,

WHEREAS, GMA requires proposed comprehensive plans and development regulations be forwarded to the Department of Community, Trade and Economic Development for review and comment 60 days prior to the final City Council adoption of the plan and final comments were due from CTED on November 25, 2008; and,

WHEREAS, during the 60 day CTED review, all applicable state and local agencies received a copy of the proposed amendments and were given the opportunity to comment;

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

Section 1. 2008 Comprehensive Plan & Development Code Amendments.

The City Of Liberty Lake 2008 Comprehensive Plan & Development Code Amendments are attached hereto as Exhibit "A."

Section 2. 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 3. Administration and Enforcement.

- A. Administration. Planning & 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 4. 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 20th day of January, 2009

Wendy VanOrman
Mayor, Wendy Van Orman

ATTEST:

Cindy Smith
City Clerk, Cindy Smith

Approved As To Form:

Sean Boutz
City Attorney, Sean Boutz

Date of Publication: 1/29/09

Effective Date: 2/3/09

City of Liberty Lake Comprehensive Plan

2008 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #
Community Development Subcom. / City Staff CA-08-0001	Chapter 8 Parks, Recreation, and Open Space - Section C Goals & Policies Goal: P.2 Add Policy: P.2.3	<ul style="list-style-type: none"> • <u>Add Policy P.2.3: When recreation facilities are over-utilized or are currently not available, such as baseball fields, soccer/multi-use fields, swimming pools, and tennis courts, it is the policy of the City to build these recreation facilities to accommodate the growing population. The recreation facilities may be located and designed to minimize impacts (such as noise or traffic) to neighboring residential areas.</u> 	103
City Planning Commission Recommendation - DENIAL of Amendment CA-08-0001			
City Staff Recommendation - APPROVAL of Amendment CA-08-0001			
City Council Decision - DENIAL of Amendment CA-08-0001			
River District Homeowner's Association / Citizen CA-08-0002	Chapter 8 Parks, Recreation, and Open Space - Section C Goals & Policies Goal: P.1 Modify Policies: P.1.1 & P.1.5	<ul style="list-style-type: none"> • P.1.1: Develop, maintain, and utilize a detailed Liberty Lake Parks, Recreation, and Open Space Plan. The plan should be updated at least every 5 years or sooner if conditions alter the effectiveness of the existing plan and shall: <ol style="list-style-type: none"> 1. Identify existing parks, trails, open space, and recreational facilities; 2. Identify the need for future parks, trails, open space, and recreational facilities and where they may be located. <u>Walkable neighborhood parks shall be a priority. On the north side of Interstate 90 there is a priority for locating parks either along the Spokane River or in locations where the parks are connected to the Spokane River by a trail system;</u> 3. Identify and prioritize strategies to meet level of service standards identified in the Comprehensive Plan; 4. Identify funding sources necessary to meet the level of service standard and maintain public parks, trails, open space, and recreational facilities and services; 5. Ascertain the economic feasibility of all new public parks, trails, open space, and recreational facilities. • P.1.5: Allocate parks, recreation, and open space facilities throughout the City in a manner that provides an equitable geographic distribution based on population density <u>and that are linked to the Spokane River, the I-90 pedestrian over-pass, transit facilities, schools and community service locations by an integrated system of pathways and sidewalks along public road right-of-ways and open space greenways.</u> 	103

	City Planning Commission Recommendation - DENIAL of Amendment CA-08-0002
	City Staff Recommendation - APPROVAL of Amendment CA-08-0002
	City Council Decision - DENIAL of Amendment CA-08-0002

City of Liberty Lake Development Code

2008 Amendments List

Initiated By / File #	Chapter / Section	Proposed Amendment	Page #
City Staff / ZTA-08-0001	Article 10-1C Definitions	<ul style="list-style-type: none"> B. Definitions Alley - A public <u>or private</u> right-of-way not designed for general travel and primarily used as a means of vehicular and pedestrian access to the rear of abutting properties. An alley may or may not be named. <u>Alleys are connected to streets at both ends.</u> 	1-8
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0001		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0001		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0001		
City Staff / ZTA-08-0002	Article 10-1C Definitions	<ul style="list-style-type: none"> B. Definitions - add the following definition <u>Municipal Offices / Facilities - Structures that house public services. Examples include but are not limited to Ambulance / Emergency Services Facilities, City Hall, Fire Stations, Libraries, and Police Stations (definition does not include schools or other government facilities separately identified on the City Zoning Matrix).</u> 	1-32
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0002		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0002		
	City Council Decision - APPROVAL of Amendment ZTA-08-0002		
City Staff / ZTA-08-0003	Zoning District Administration, 10-2A-4 - Zoning Districts Matrix & Official Zoning Matrix	<ul style="list-style-type: none"> In the Zoning Matrix under Government / civic offices and facilities - Remove Ambulance/ emergency services facility, Fire Station, Offices/ City Hall, & Police Station In the Zoning Matrix under Government / civic offices and facilities - Add <u>Municipal Offices / Facilities as a Permitted Use in the R-3, M-1, M-2, M-3, C-1, C-2, I, & P Zones</u> 	2-6 & Zoning Matrix
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0003		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0003		
	City Council Decision - APPROVAL of Amendment ZTA-08-0003		

City Staff / Design Review Subcom. ZTA-08-0004	10-2D-8(A), Building Height (R-3 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the R-3 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in "C" below. <u>Roof equipment and other similar features visible from a street or I-90 which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-59
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0004			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0004			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0004			
City Staff / ZTA-08-0005	REMOVED		
City Staff / ZTA-08-0006	REMOVED		
City Staff / Design Review Subcom. ZTA-08-0007	10-2E-8(A), Building Height (M-1 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the M-1 Zone shall be no more than 35 feet tall. The maximum height may be increased by 10 feet when housing is provided above the ground floor ("vertical mixed use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. <u>Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-79
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0007			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0007			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0007			

City Staff / ZTA-08-0008	10-2F-3(C)(21) Limited Uses (L) (M-2 Zone)	<ul style="list-style-type: none"> 21. Dwelling, multi-family Multi-family dwellings should be part of a mixed use development (residential with commercial or other use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed. Individual apartments above or within businesses shall meet the requirements for Attached Accessory Dwelling Units listed above. <u>Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of non-residential uses within the permit application.</u> Stand-alone multi-family dwellings that do not incorporate vertical or horizontal mixed use are subject to the standards in a-g below. 	2-96 / 2-97
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0008			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0008			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0008			
City Staff / ZTA-08-0009	10-2F-3(C)(22) Limited Uses (L) (M-2 Zone)	<ul style="list-style-type: none"> 22. Dwelling, multi-family (greater than 30 units per net acre) The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; ensure management and maintenance of common areas, and provide for public transportation options. Multi-family dwellings should be part of a mixed use development (residential with commercial or other use). <u>Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of non-residential uses within the permit application.</u> Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed, subject to the standards in a-h. 	2-97
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0009			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0009			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0009			
City Staff / ZTA-08-0010	REMOVED		
City Staff / ZTA-08-0011	REMOVED		

City Staff / Design Review Subcom. ZTA-08-0012	10-2F-8(A), Building Height (M-2 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the M-2 Zone shall be no more than 50 feet tall. The maximum height may be increased by 10 feet when residential housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5’ above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-106
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0012		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0012		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0012		
City Staff / ZTA-08-0013	REMOVED		
City Staff / ZTA-08-0014	REMOVED		
City Staff / ZTA-08-0015	REMOVED		
City Staff / Design Review Subcom. ZTA-08-0016	10-2G-8(A), Building Height (M-3 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the M-3 Zone shall be no more than 50 feet tall. The maximum height may be increased by 10 feet when residential housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5’ above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-135
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0016		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0016		

City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0016			
City Staff / Design Review Subcom. ZTA-08-0017	10-2H-8(A), Building Height (C-1 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the C-1 Zone shall be no more than 100 feet tall, except when a lot is adjacent to a R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-155
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0017			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0017			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0017			
City Staff / Design Review Subcom. ZTA-08-0018	10-2I-8(A), Building Height (C-2 Zone)	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the C-2 Zone shall be no more than 100 feet tall, except when a lot is adjacent to a R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	2-169
City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0018			
City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0018			
City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0018			

<p>City Staff / Design Review Subcom. ZTA-08-0019</p>	<p>10-2J-8(A), Building Height (I Zone)</p>	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the I Zone shall be no more than 100 feet tall, except when a lot is adjacent to a R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	<p>2-185</p>
<p>City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0019</p>			
<p>City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0019</p>			
<p>City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0019</p>			
<p>City Staff / Design Review Subcom. ZTA-08-0020</p>	<p>10-2K-8(A), Building Height (P Zone)</p>	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the P Zone shall be no more than 100 feet tall, except when a lot is adjacent to a R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	<p>2-197</p>
<p>City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0020</p>			
<p>City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0020</p>			
<p>City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0020</p>			
<p>City Staff / Design Review Subcom. ZTA-08-0021</p>	<p>10-2L-8(A), Building Height (O Zone)</p>	<ul style="list-style-type: none"> A. Building Height Standard. Buildings within the O Zone shall be no more than 35 feet tall. Roof equipment and other similar features which are necessary to the commercial operation shall be screened, and shall not exceed 6 feet in height. <u>The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the Director or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.</u> 	<p>2-207</p>

	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0021
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0021
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0021

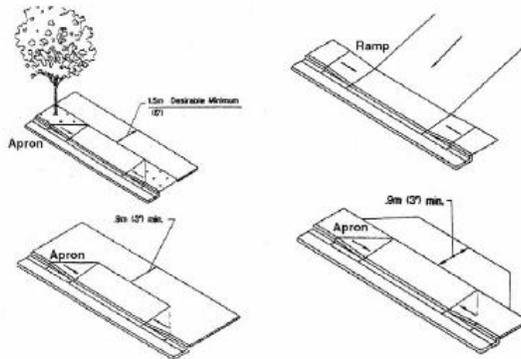
City Staff / ZTA-08-0022	10-3B-2 Vehicular Access and Circulation	<ul style="list-style-type: none"> • A. Intent and Purpose. The intent of this article is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways, as required by the City’s Transportation Improvement Program. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local access streets and alleys driveways provide access to individual properties. <u>Alleys can provide secondary access to properties.</u> If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This article attempts to balance the right of reasonable access to private property with the right of all citizens. It also requires all developments to construct planned streets (arterials and collectors) and to extend local access streets. <u>Also see Article 10-3G.</u> • B. Applicability. This article shall apply to all public streets<u>vehicular access and traffic circulation</u> within the City and to all <u>abutting</u> properties that abut these streets. • C. Approach Permit Required. Access to a public street requires an Approach Permit in accordance with the following procedures: <ul style="list-style-type: none"> 1. Permits for access to City streets shall be subject to review and approval by the Director of Planning & Community Development<u>City Engineer</u> based on the standards contained in this article, the provisions of Article 10-3G, and other applicable City Transportation Standards. An approach permit may be in the form of a permit issued by P&CD<u>the City</u> or it may be attached to a land use decision notice as a condition of approval. 2. Permits for access to State highways shall be subject to review and approval by Washington Department of Transportation (WSDOT). • D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional <u>engineer licensed in the State of Washington</u> to 	3-3 to 3-4 & 3-7 to 3-8
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		<p>determine access, circulation and other transportation requirements or participation in an established traffic mitigation plan shall be required. (See also, Article 10-3G)</p> <ul style="list-style-type: none"> • E. Conditions of Approval. The City or other agency with approach permit jurisdiction may, in the case of new development along arterial or collector streets, require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an approach permit , to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street, except in Residential Zones. • F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under “Limited or Conditional Uses”). <ul style="list-style-type: none"> 1. Option 1. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. <p>AMENDMENT REMOVED</p> <ul style="list-style-type: none"> 2. Option 2. Access is from a public street adjacent to the development parcel. If practical, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section 10-3B-2, subsection Section G, below. 3. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots. 4. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner 	
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lots, the creation of new double-frontage lots shall be prohibited in Residential Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in Residential Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Subsections G, H, I, & J

- **Modify graphic to correct typo (3' - 5' should be 6')**



Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways

- **K. Driveway Openings.** Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes and shall comply with the City of Liberty Lake Street ~~and Stormwater~~ Standards. The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize stormwater runoff, and avoid conflicts between vehicles and pedestrians. Approach width may be increased if it is necessary to provide for shared driveways, as determined by the Director or designee:

Subsections L & M

- **N. Vision Clearance.** No signs or structures, or vegetation in excess of three feet in height shall be placed in "vision clearance areas" or "clear view triangle", as described and shown below. The minimum vision clearance area may be increased by the Director upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Vision clearance standards shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards. The following example is based on a typical situation; however project designers shall be responsible for designing the proposed project to AASHTO Standards. If the project designer does not have access to this AASHTO guide, the ~~Planning & Community Development Department, in consultation with the~~ City Engineers, will assist

		<p>them with determining requirements for the clear view triangle.</p> <ul style="list-style-type: none"> • O. Construction. The following development and maintenance standards shall apply to all driveways and private streets: <ul style="list-style-type: none"> 1. Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce stormwater runoff and protect water quality. Paving surfaces shall be subject to review and approval by the <u>Director/City Engineer</u>. In no case shall graveled surfaces be used. 	
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0022		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0022		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0022		
City Staff / ZTA-08-0023	10-3B-3(A)(4) Pedestrian Access and Circulation	<ul style="list-style-type: none"> • 4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 10-3B-2, subsection 'J'. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria: <ul style="list-style-type: none"> a. Multi-use <u>or shared</u> pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles; b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted; c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep; d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties; e. The <u>Director-City Engineer</u> may determine that a pathway is impractical due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, critical areas, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, 	3-10

		easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.	
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0023		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0023		
	City Council Decision - APPROVAL of Amendment ZTA-08-0023		
City Staff / ZTA-08-0024	10-3B-3(B)(3) Pedestrian Access and Circulation	<ul style="list-style-type: none"> 3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application. <u>Crosswalks within parking areas may be removed at the discretion of the City Engineer.</u> 	3-11
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0024		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0024		
	City Council Decision - APPROVAL of Amendment ZTA-08-0024		
City Staff / ZTA-08-0025	10-3C-3(C) New Landscaping	<ul style="list-style-type: none"> 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 assuarances<u>assurances</u> as established in Section 10-4C-5, subsection D. <u>In the event a bond or other assurance is needed, a temporary certificate of occupancy may be issued for a six month period to complete the installation of the landscaping. Required planting/irrigation shall be installed within six months of the date of final construction permit approval or the issuance of a certificate of occupancy, whichever is later.</u> If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation. 	3-14
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0025		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0025		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0025		

<p>City Staff / ZTA-08-0026</p>	<p>10-3C-3(F) New Landscaping</p>	<ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> 1. Perimeters Adjacent to Public Rights-of-way. <ul style="list-style-type: none"> a. Parking areas and drives or other vehicular areas that extend to within 50 feet of a public right-of-way shall provide a landscape screen between the parking area, drive, or other vehicular area and the right-of-way. b. If the parking area, drive, or other vehicular area does not exceed 30,000 square feet in area, then such<u>The</u> landscape screen shall be a minimum of ten (10') feet in width and shall contain a minimum of one (1) shade tree and ten (10) shrubs distributed per 25 linear feet of street frontage or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of street frontage. c. If the parking area, drive, or other vehicular area exceeds 30,000 square feet in area, then such landscape screen shall be a minimum of fifteen (15') feet in width and shall contain a berm with a minimum height of two and one half (2.5') feet above the finished elevation of the parking area. Such berm shall have a maximum slope of one foot of rise to two feet of run (1:2) and a minimum crown of three (3) feet. In addition to the required berm, at least one (1) shade tree and ten (10) shrubs distributed per 25 linear feet of street frontage or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of street frontage shall be required. 2. Perimeters Not Adjacent to Public Rights-of-way. <ul style="list-style-type: none"> a. In addition to F-1 above, the remaining perimeter of any parking areas, drives, 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. <u>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.</u> The landscaped border shall consist of at least one (1) shade tree or one (1) 	<p>3-16</p>
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		<p>ornamental tree and ten shrubs distributed per 25 linear feet of perimeter or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of perimeter. <u>unless existing landscaping on abutting properties prohibits planting to the required quantities, as determined by the Director or designee. If approved by the City, landscape berms may be utilized in place of the shrub requirements.</u></p> <p>3. Perimeters of Structures. b-</p> <p>The border between any structure and parking area, drive, or other vehicular area shall be at least five (5') foot wide and consist of a minimum of ten (10) shrubs distributed per 25 linear feet. <u>unless a sidewalk / pedestrian path is provided along the building or where vehicle access is provided to the building. The sidewalks / pedestrian paths located at the main building entrance shall be incorporated with plants.</u></p>	
City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0026			
City Staff Recommendation - APPROVAL of Amendment ZTA-08-0026			
City Council Decision - APPROVAL of Amendment ZTA-08-0026			
City Staff / ZTA-08-0027	10-3C-3(H) New Landscaping	<ul style="list-style-type: none"> 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 wall <u>or solid fence</u> with <u>fully</u> sight obscuring access gates. 	3-17
City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0027			
City Staff Recommendation - APPROVAL of Amendment ZTA-08-0027			
City Council Decision - APPROVAL of Amendment ZTA-08-0027			
City Staff / ZTA-08-0028	10-3C-3(K) New Landscaping	<ul style="list-style-type: none"> 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 <u>and the use of drip irrigation and moisture sensing timers is encouraged. Landscaping shall comply with City Water Conservation Ordinances, as adopted or amended.</u> 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. 	3-18

	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0028		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0028		
	City Council Decision - APPROVAL of Amendment ZTA-08-0028		
City Staff / ZTA-08-0029	10-3G-1(C) Purpose and Applicability	<ul style="list-style-type: none"> C. Standard Specifications. The Planning & Community Development Department, in consultation with the City Engineer shall establish standard construction specifications consistent with the concepts of this article and application of engineering principles. These specifications shall be contained in the City of Liberty Lake Street and Stormwater Standards and they are incorporated in this code by reference. 	3-48
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0029		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0029		
	City Council Decision - APPROVAL of Amendment ZTA-08-0029		
City Staff / ZTA-08-0030	10-3G-2 Transportation Improvements	<ul style="list-style-type: none"> A. Development Standards..... <ul style="list-style-type: none"> 5. Privately owned and maintained streets may be allowed, but are not encouraged. However, private streets must meet all the design and construction standards required for public streets. A homeowner's or property owner's association must be established to provide for street repair and maintenance. <p>Subsections B, C, D, E, F, G, H, & I</p> <ul style="list-style-type: none"> J. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity. <u>See the City of Liberty Lake Street Standards for details.</u> <p>Subsections K, L, M, N, O, & P</p> <ul style="list-style-type: none"> Q. Alleys, Public or Private. Alleys shall conform to the standards in this Article Code and the City of Liberty Lake Street and Stormwater Standards. <u>Alleys shall be provided off Local Access or Collector Streets only, not Arterials, and shall connect to a Local Access or Collector street at both ends.</u> R. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited, unless the streets conform to the public street standards in the City of Liberty Lake Street and Stormwater Standards S. Street Names & Addresses. No street name shall be used which will duplicate or be confused with the names of existing streets in Spokane County, except extensions of existing streets may 	3-49, & 3-53 to 3-55

		<p>be permitted. Street names, signs, and numbers shall conform to the established pattern in the City. <u>Addresses shall be assigned by the City and provided off streets only. If a building does not have street frontage (e.g. common area or pedestrian path frontage), then the address shall be provided based on the street connection point for vehicular access and appropriate signage shall be provided for public safety. Exceptions may be granted by the Director for specific situations, including auto-court lanes.</u></p> <p>Subsections T, U, & V</p> <ul style="list-style-type: none"> W. Street Light Standards. Street lights shall be installed for all new development by the developer / applicant to encourage a pedestrian friendly environment and enhance community safety and business exposure. Final lighting fixture selection and location shall be made by the City based on developer / applicant proposals. The developer / applicant should coordinate with Avista Utilities for style / fixture selection. All street light electrical installations including wiring, conduit, and power connections shall be located underground. A plan shall be provided showing the proposed fixture types and locations along with light fixture specification sheets and each fixture shall be equipped with a photocell. Current AASHTO Roadway Lighting Design Guidelines, or equivalent guidelines shall be utilized. <u>The City Engineer shall make the final determination of the lighting category applied to a site.</u> 	
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0030		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0030		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0030		
City Staff / ZTA-08-0031	10-3G-9(C) Installation	<ul style="list-style-type: none"> C. Commencement. Work shall not begin until the City has been notified <u>two (2) working days</u> in advance <u>and a pre-construction meeting has been held.</u> 	3-57
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0031		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0031		
	City Council Decision - APPROVAL of Amendment ZTA-08-0031		

City Staff / ZTA-08-0032	Article 10-3H - Stormwater Management	<ul style="list-style-type: none"> • 10-3H-1 Stormwater Management Manual for Eastern Washington Spokane Regional Stormwater Manual (April 2008) All development within the City shall comply with the Stormwater Management Manual for Eastern Washington prepared by the Washington State Department of Ecology Water Quality Program Spokane Regional Stormwater Manual (April 2008), as amended by the City of Liberty Lake. The Manual serves as a single technical stormwater manual for eastern Washington the Spokane region. It provides uniform stormwater management standards and is a central repository for Best Management Practices (BMPs). The Washington State Department of Ecology will maintain the region's technical stormwater manual for new development and redevelopment and will update, revise and republish the Manual as appropriate. 	3-58
City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0032			
City Staff Recommendation - APPROVAL of Amendment ZTA-08-0032			
City Council Decision - APPROVAL of Amendment ZTA-08-0032			
City Staff / ZTA-08-0033	10-4B-4(H) Project Permit Review Process & Timeline	<ul style="list-style-type: none"> • H. Appeal Procedures. <u>Administrative appeal.</u> Interested parties with standing, as defined in RCW 36.70C, have the opportunity to appeal a decision on a project permit <u>or an administrative decision.</u> The decision may be appealed within fourteen (14) calendar days from the date the decision is rendered by delivering a notice of appeal to P&CD by mail or personal delivery. The notice of appeal must be received by 4:00 p.m. on the last day of the appeal period, unless the last day of the appeal period falls on a weekend or holiday, the notice of appeal shall then be due on the following business day. Appeal requests shall contain all information required in this section. Any notice of appeal not in full compliance with this section shall not be considered. 1. Type I Project Permits / <u>Administrative Decisions:</u> An 'open record' appeal to the Hearing Examiner is available on many Type I project permits / <u>Administrative Decisions.</u> The appeal procedure shall be as outlined in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the P&CD Director. 2. Type II & Type III Project Permits: <p>Table 4-A, Review Process Requirements For Type I Projects - add X to City Council Administrative Appeal & Judicial / Growth Management Hearings Board Appeal</p>	4-19 to 4-21
City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0033			
City Staff Recommendation - APPROVAL of Amendment ZTA-08-0033			

City Council Decision - APPROVAL of Amendment ZTA-08-0033			
City Staff / ZTA-08-0034	10-4D-3 (D) & (E) Approvals Process	<ul style="list-style-type: none"> D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat, BSP, or short plat or conditions of approval following the procedures and criteria provided in Article 10-4F - Modifications. The P&CD Director shall<u>may</u>, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one<u>three (3) year</u>years; provided that: <ol style="list-style-type: none"> Any changes to the preliminary plat, BSP, or short plat follow the procedures in Article 10-4F; The applicant has submitted written intent to file a final plat, BSP, or short plat within the one-year extension period; An extension of time will not prevent the lawful development of abutting properties; There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat, BSP, or short plat application shall be required; and The extension request is made before expiration of the original approved plan-; and <u>6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available</u> E. Phased Development. <ol style="list-style-type: none"> The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any subdivision, binding site plan, or short plat phase be greater than 5 years. without reapplying for a preliminary plat, BSP, or short plat; 	4-35 & 4-36
City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0034			
City Staff Recommendation - APPROVAL of Amendment ZTA-08-0034			
City Council Decision - APPROVAL of Amendment ZTA-08-0034			
City Staff / ZTA-08-0035	10-4D-9 Performance Guarantees	<ul style="list-style-type: none"> 10-4D-9 Performance Guarantees <ol style="list-style-type: none"> Performance Guarantee Required. When a performance guarantee is required under Section 10-4D-8 above, the subdivider shall file an assurance of performance with the City supported by one of the following: <ol style="list-style-type: none"> An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Washington, or 	4-50

		<p>2. A surety bond executed by a surety company authorized to transact business in the state of Washington which remains in force until the surety company is notified by the City in writing that it may be terminated.</p> <p>3. Cash</p> <p>B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses. <u>The sum shall be 150% of the private cost.</u></p> <p>C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified-stamped by a registered civil engineer <u>licensed in the State of Washington</u>, to assist the City in calculating the amount of the performance assurance. <u>Landscaping improvements shall be certified by a Licensed Landscape Architect.</u></p> <p>D. Agreement. An agreement between the City and developer shall be recorded with the final plat, BSP, or short plat attached to the Performance Guarantee that stipulates all of the following:</p> <ol style="list-style-type: none"> 1. Specifies which specifies the period within which all required improvements and repairs shall be completed;_ 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant's performance guarantee; 3. Stipulates the improvement fees and deposits that are required. 4. Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract, if approved by the City.The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the P&CD Director. <p>E. When Subdivider Fails to Perform. In the event the developer fails to carry out complete all provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure<u>required improvements</u>, the City shall call on the bond, cash deposit, or letter of credit for reimbursement<u>to construct the required improvements.</u></p> <p>F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.</p> <p><u>G. Warranty Bonds. Additional bonding or assurance shall be required for all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-ofway for a period of 2 years after</u></p>	
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		<p><u>improvements are completed in an amount equal to 20% of the construction cost or \$10,000, whichever is greater. The City Engineer may reduce the bond amount for projects valued at less than \$20,000. The warranty bond must be posted prior to the release of any performance bonds, in conformance with the City Development Code and City Street Standards.</u></p> <p><u>H. Release of Warranty Bonds. The bond or assurance shall be released after the 2 year period when the City Engineer finds that any noted deficiencies have been repaired or replaced, in conformance with the City Development Code and City Street Standards.</u></p>	
	City Planning Commission Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0035		
	City Staff Recommendation - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0035		
	City Council Decision - APPROVAL w/ Incorporated Modifications of Amendment ZTA-08-0035		
City Staff / ZTA-08-0036	10-4G-2(H) Administrative Interpretation Procedure	<ul style="list-style-type: none"> H. Appeals. When an interpretation is made in response to a written request pursuant to these provisions <u>or when an Administrative Decision is rendered</u>, the person filing the written request <u>or whom the Administrative Decision was addressed</u> may appeal the decision of the P&CD Director to the Hearing Examiner within fourteen (14) calendar days from the date the P&CD Director's decision is rendered. 	4-62
	City Planning Commission Recommendation - APPROVAL of Amendment ZTA-08-0036		
	City Staff Recommendation - APPROVAL of Amendment ZTA-08-0036		
	City Council Decision - APPROVAL of Amendment ZTA-08-0036		

AMENDMENT AS MODIFIED BY CITY STAFF & PLANNING COMMISSION

Greenstone / ZTA-08-0037 CHANGES SHOWN IN YELLOW	Article 10-4D Land Divisions and Boundary Line Adjustments - Binding Site Plans (BSPs)	<p>Article 10-4D — Land Divisions and Lot Line Adjustments</p> <p>Sections:</p> <p>10-4D-1 Purpose</p> <p>10-4D-2 General Requirements</p> <p>10-4D-3 Approvals Process</p> <p>10-4D-4 Submission Requirements: Preliminary Plat, BSP, and Short Plat</p> <p>10-4D-5 Approval Criteria: Preliminary Plat, BSP, and Short Plat</p> <p>10-4D-6 Variances Authorized</p> <p>10-4D-7 Submissions and Approval Criteria: Final Plat, BSP, and Short Plat</p> <p>10-4D-8 Public Improvements</p> <p>10-4D-9 Performance Guarantees</p>	4-31 +
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		<p>10-4D-10 Filing and Recording</p> <p>10-4D-11 Replatting and Vacation of Plats</p> <p>10-4D-12 Boundary Line Adjustments</p> <p><u>10-4D-13 Binding Site Plans</u></p> <p>10-4D-1 Purpose</p> <p>10-4D-2 General Requirements</p> <p>A. <u>Compliance With Article 10-4B.</u> Projects shall comply with Article 10-4B, Types of Applications and Review Procedures on page 4-6 of this Code.</p> <p>B. <u>Compliance With RCW 58.17.</u> All subdivision, binding site plan, and short subdivision proposals shall be in conformance to state regulations set forth in the Revised Code of Washington (RCW), 58.17, Plats - Subdivisions - Dedications.</p> <p>C. <u>Subdivision, Binding Site Plan (BSP), & Short Plat Approval Through Two-step Process.</u> Applications for subdivision, binding site plan, or short plat approval shall be processed through a two-step process: the preliminary plat, BSP, or short plat and the final plat, BSP, or short plat.</p> <ol style="list-style-type: none"> 1. The preliminary plat, BSP, or short plat is a clear and approximate drawing of a proposed subdivision, binding site plan, or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this article. The preliminary plat, BSP, or short plat shall be the basis for the approval or disapproval of the general layout of a subdivision, binding site plan, or short subdivision. The preliminary plat, BSP, or short plat shall be approved before the final plat, BSP, or short plat can be submitted for approval consideration; and 2. The final plat, BSP, or short plat is the final drawing of the subdivision, binding site plan, or short subdivision and contains a dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this article. The final plat, BSP, or short plat shall include all conditions of approval of the preliminary plat, BSP, or short plat. <p><i>Subsections D, E, F, G, H, I, J, & K</i></p> <p>10-4D-3 Approvals Process</p> <p>A. <u>Review of Preliminary Plat, BSP, or Short Plat.</u> Review of a preliminary plat shall be processed by means of a Type III procedure, as governed by Article 10-4B. Review of a preliminary short plat or BSP shall be processed by means of a Type I procedure, as governed by Article 10-4B. All preliminary plats, BSPs, and short plats shall be reviewed using approval criteria contained in Section 10-4D-5. An application for a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, and similar quasi-judicial or administrative actions to the</p>	
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		<p>extent that procedural requirements applicable to these actions permit simultaneous processing.</p> <p>Preliminary BSPs should show the overall area with individual lots created through final BSPs over the approval period identified in Section 10-4D-3, subsection C.</p> <p>B. <u>Review of Final Plat, BSP, or Short Plat.</u> Review of a final plat for a subdivision, BSP, or short plat shall be processed administratively using the approval criteria in Section 10-4D-5.</p> <ol style="list-style-type: none"> 1. For plats and BSP's, the following signatures, as applicable, shall be on the face of the plat..... <p>C. <u>Preliminary Plat, BSP, and Short Plat Approval Period.</u> Preliminary plat, BSP, and short plat approval shall be effective for a period of 5 years from the date of approval. The preliminary plat, BSP, or short plat shall lapse if a final plat, BSP, or short plat has not been submitted within the 5-year period. BSPs may have lots (up to the maximum number approved under the preliminary BSP) created through multiple final BSPs and recorded through a record of survey over the 5-year period, however the entire BSP, must be finalized within the 5-year period, unless an extension is granted.</p> <p>D. <u>Modifications and Extensions.</u> The applicant may request changes to the approved preliminary plat, BSP, or short plat or conditions of approval following the procedures and criteria provided in Article 10-4F - Modifications. The P&CD Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:</p> <ol style="list-style-type: none"> 1. Any changes to the preliminary plat, BSP, or short plat follow the procedures in Article 10-4F; 2. The applicant has submitted written intent to file a final plat, BSP, or short plat within the one-year extension period; 3. An extension of time will not prevent the lawful development of abutting properties; 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat, BSP, or short plat application shall be required; and 5. The extension request is made before expiration of the original approved plan. <p>E. <u>Phased Development.</u></p> <ol style="list-style-type: none"> 1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any subdivision, binding site plan, or short plat phase be greater than 5 years without reapplying for a preliminary plat, BSP, or short plat; 	
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		<p>2. The criteria for approving a phased land division proposal are:</p> <ul style="list-style-type: none"> a. Public facilities shall be constructed in conjunction with or prior to each phase; b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 10-4D-9. A temporary public facility is any facility not constructed to the applicable City or district standard; c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and d. The application for phased development approval shall be reviewed concurrently with the preliminary plat, BSP, or short plat application and the decision may be appealed in the same manner as the preliminary plat, BSP, or short plat. <p>10-4D-4 Submission Requirements: Preliminary Plat, BSP, and Short Plat</p> <p>All land divisions shall follow the application review procedures established in Article 10-4B and Section 10-4D-3, subsection A.</p> <p>Subsection A</p> <p>B. Preliminary BSP.</p> <p>In addition to the general requirements described in Section 10-4D-2 above, the preliminary BSP application shall consist of drawings and supplementary written material on application forms approved and provided by P&CD. Complete applications shall contain the following information, as applicable:</p> <ul style="list-style-type: none"> 1. Site analysis map (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD): <ul style="list-style-type: none"> a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site; b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site; c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or 	
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		<p>abutting the site, indicate the direction and distance to the nearest ones;</p> <p>d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.</p> <p>e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);</p> <p>f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;</p> <p>g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment, and relevant portions of the Comprehensive Plan.);</p> <p>h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;</p> <p>i. Designated historic and cultural resources on the site and adjacent parcels or lots;</p> <p>j. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10-3C;</p> <p>k. North arrow, scale, name and address of owner and project designer; and</p> <p>l. Other information, as deemed appropriate by the P&CD Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.</p> <p>2. Proposed preliminary BSP map (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):</p> <p>a. Date, north arrow, and scale of drawing;</p> <p>b. Vicinity map with the location of the proposed development sufficient to</p>	
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		<p>define its location in the City;</p> <p>d. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;</p> <p>e. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;</p> <p>f. Public and private streets, tracts, parcels, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet or acres, and identification numbers or letters;</p> <p>g. Easements: location, width, and purpose of all easements;</p> <p>h. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;</p> <p>i. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.</p> <p>j. Existing structures that will remain on site;</p> <p>k. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision or BSP name and showing the streets. If the proposed BSP is the subdivision of a portion of an existing BSP, the approximate lines of the existing BSP are to be shown and a copy of the existing BSP, along with any and all recorded covenants and easements;</p> <p>l. Subject site survey data;</p> <p>m. Data table, as applicable:</p> <ol style="list-style-type: none"> 1. Existing and proposed zoning, 2. Comprehensive plan category, 3. Existing and proposed uses, 4. Number of parcels, smallest parcel size, and minimum parcel frontage, and 5. Gross site area; 	
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		<p>n. Identification of the drawing as a "preliminary binding site plan (BSP)" and the drawing shall contain a border size as required by the Spokane County Auditors office; and</p> <p>e. Other information, as deemed appropriate by the P&CD Director.</p> <p>3. Proposed landscape plan (6 copies 24" x 36" min., 1 copy 11" x 17", 1 electronic version in a format requested by P&CD):</p> <ul style="list-style-type: none"> a. Proposed preliminary BSP base map b. The location and height of existing and proposed fences and other buffering or screening materials; c. The location of proposed open space, parks, trails, etc. d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site; e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and f. Other information as deemed appropriate by P&CD. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code. <p>4. Lighting plan in conformance with Section 10-3F-2.</p> <p>5. Application form:</p> <ul style="list-style-type: none"> a. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor. b. Location of the proposed development sufficient to define its location in the city, and a legal description of the site; c. Location by section, township, and range; d. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.) e. Assessor parcel number(s) of project site; f. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant; g. Street address of proposal; h. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage; i. Fire district j. Name of public road(s) providing 	
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		<p>access to the subject site;</p> <p>k. Width of property fronting on public road;</p> <p>l. Proposed improvements, as required by Chapter 3 (Design and Maintenance Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);</p> <p>m. Data table, as applicable:</p> <ol style="list-style-type: none"> 1. Existing and proposed zoning; 2. Comprehensive plan category; 3. Existing and proposed uses; 4. Number of parcels, smallest parcel size, and minimum parcel frontage; and 5. Gross site area; <p>n. List of previous planning actions involving the subject property and any plans for future additions, expansions, or activity related to proposal;</p> <p>o. Changed conditions of the area that warrants the proposal or factors that support the proposal;</p> <p>p. Potential impacts on adjacent properties and proposed mitigation;</p> <p>q. Estimated time period expected for complete development of proposal; and</p> <p>r. Surveyor verification, owner signature, and signature and seal of a notary public.</p> <p>6. Additional requirements:</p> <ol style="list-style-type: none"> a. Detail with approximate finished street center line grades and typical street cross sections for public local access, collectors, etc. and private streets; b. Draft proposed Covenants, Conditions, and Restrictions (CC&R's) for the development, if applicable; c. Phasing plan, if applicable; d. Payment of fees as set in the adopted P&CD fee schedule and signing of an agreement to pay fees; and e. In addition to the project permit and SEPA notice provisions, outlined in Article 10-4B, notices shall also be provided to appropriate officials of the following: <ol style="list-style-type: none"> 1. Other cities or towns within 1 mile of a subdivision; 2. Any city or town that is proposed to 	
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~~supply utilities to the subdivision,
3. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and
4. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.~~

~~C. — Preliminary Short Plat....~~

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

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

1. The proposed preliminary plat, ~~BSP,~~ or short plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable sections of Chapter 2 (Zoning Districts) and Chapter 3 (Design and Maintenance Standards) shall apply. Where a variance is necessary to receive preliminary plat, ~~BSP,~~ or short plat approval, the application shall also comply with the relevant sections of Chapter 5 (Exceptions to Code Standards);
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of RCW 58.17;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions, ~~BSPs,~~ and short plats and maps of land divisions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat, ~~BSP,~~ or short plat; and
4. All proposed private common areas and improvements (e.g., home owner or property owner association property) are identified on the preliminary plat, ~~BSP,~~ or short plat, if applicable.

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

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

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zoning district (Chapter 2), and the

		<p>standards of Article 10-3G.</p> <p>2. Setbacks shall be as required by the applicable zoning district (Chapter 2).</p> <p>3. Each lot shall conform to the standards of Article 10-3B - Access and Circulation.</p> <p>4. Landscape or other screening may be required to maintain privacy for adjacent uses. See also, Chapter 2 - Zoning Districts, and Article 10-3C - Landscaping.</p> <p>5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Article 10-3B - Access and Circulation.</p> <p>6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision, binding site plan, or short subdivision.</p> <p>D. <u>Conditions of Approval.</u> The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Article 10-3G - Public Facilities.</p> <p>10-4D-6 Variances Authorized</p> <p>10-4D-7 Submissions and Approval</p> <p>Criteria: Final Plat, BSP, and Short Plat</p> <p>A. <u>Submission Requirements.</u> Final plats, BSPs, and short plats shall be reviewed and approved by the City prior to recording with Spokane County. The applicant shall submit the final plat, BSP, or short plat within 5 years of the approval of the preliminary plat, BSP, or short plat, as provided by Section 10-4D-3 above.</p> <p>1. Six (6) copies of the final plat, BSP, or short plat map and one (1) reduced 11x17 copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below.</p> <p>2. Four (4) copies of the street, grading, and drainage plans shall be submitted. Civil plans shall include City Street Standards submittal requirements, as well as street trees located and selected in accordance with Section 10-3C-4 of this Code, street signs located and selected in accordance with Section 10-3G-2, subsection U of this Code and the City Street Standards, and street lighting located and selected in accordance with Section 10-3G-2, subsection W of this Code.</p> <p>3. If required by the Planning & Community Development Director, a geotechnical letter</p>	
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		<p>shall be supplied that lists the soil types within the development site and provides a schematic map identifying soil type areas. The letter must be prepared by a qualified engineer.</p> <p>4. The sewer and water plan mylar shall be submitted for P&CD review and signature.</p> <p>All final plats, BSPs, and short plats shall comply with RCW 58.17 or other applicable state laws or this Code.</p> <p>B. <u>Approval Criteria.</u> The P&CD Director or his or her designee shall review the final plat, BSP, or short plat and shall approve or deny the final plat, BSP, or short plat based on findings regarding compliance with the following criteria:</p> <ol style="list-style-type: none"> 1. The final plat, BSP, or short plat complies with the approved preliminary plat, BSP, or short plat, and all conditions of approval and submission requirements noted above have been satisfied; 2. The final plat, BSP, or short plat map contains: <ol style="list-style-type: none"> a. Name of subdivision, date, north arrow, and scale of drawing, b. Development boundary shown on map, a legal description of the site, and location by section, township, and range, c. Information on designer, and engineer or surveyor, and the date of the survey. The final plat, BSP, or short plat shall contain an affidavit by the surveyor who surveyed the land, represented on the plat, BSP, or short plat in the form of a surveyor's certificate acknowledging that the land was correctly surveyed and marked with proper monuments as provided by RCW 58.17, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location, d. The location and widths of streets, alleys, rights-of-way, easements, parks, trails, tracts, and other open spaces within the development and those existing immediately adjacent to the development shall be shown and labeled. Areas dedicated to the public shall be labeled as such, e. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots with addresses obtained from P&CD and 	
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		<p>drafted on map,</p> <p>f. Appropriate utility easements and existing structures that will remain on site shall be shown,</p> <p>g. Layout and names of adjoining subdivisions, replats, BSPs, etc. shall be shown with a dashed line within and adjacent to the development boundary,</p> <p>h. Plat restrictions required as conditions of preliminary plat, BSP, or short plat approval shall be shown,</p> <p>i. All special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown,</p> <p>j. A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements indicated on final plat, BSP, or short plat,</p> <p>k. Signature blocks for the agencies and parties listed in Section 10-4D-3, subsection B above, shall be included on the first page,</p> <p>l. A Spokane County Auditors Certificate shall be drafted on each page of the final plat, BSP, or short plat;</p> <p>m. A dedication with content supplied by P&CD shall be drafted on the first page of the final plat and a lot or parcel, block, and address chart shall also be included on the final plat;</p> <p>n. Identification of the drawing as a "final plat, final binding site plan, or final short plat", as applicable and the drawing shall contain a border size as required by the Spokane County Auditors office, and</p> <p>o. Other information, as deemed appropriate by the P&CD Director;</p> <p>3. Public improvements required by the preliminary plat, BSP, or short plat have been installed and approved by the P&CD Director. Alternatively, the developer has provided a performance guarantee in accordance with Section 10-4D-9.</p> <p>4. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;</p>	
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		<p>5. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat, BSP, or short plat;</p> <p>6. The plat, BSP, or short plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;</p> <p>7. The plat complies with the applicable Articles of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat, BSP, or short plat approval);</p> <p>8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot or parcel depicted on the plat, BSP, or short plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Article 10-3G - Public Facilities, and the bond requirements of Section 10-4D-9. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;</p> <p>9. The applicant has supplied letters of easement acceptance from the public utility companies and other documents required by affected agencies or service providers (i.e. water plans, utility plans, etc.), or approval letters;</p> <p>10. The applicant has provided copies of all recorded homeowners association or property owners association Covenants, Conditions, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;</p> <p>11. The applicant has furnished a current title certificate (less than 30 days old) from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;</p> <p>12. The agencies and parties listed in Section 10-4D-3, subsection B above, have approved and signed the final plat;</p> <p>13. All taxes, auditor recording fees, assessments, etc., and City required fees established in the P&CD fee schedule have been paid; and</p> <p>14. The applicant has furnished electronic copies of the final plat, BSP, or short plat if</p>	
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requested by the City, in a format approved by the City, and other documents or information requested by the City.

10-4D-8 Public Improvements

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

10-4D-9 Performance Guarantees

A. Performance Guarantee Required. When a performance guarantee is required ~~under Section 10-4D-8 above,~~ the subdivider shall file an assurance of performance with the City supported by one of the following:

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

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

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

D. Agreement. An agreement between the City and developer shall be ~~recorded with the final plat, BSP, or short plat attached to the Performance Guarantee that stipulates all of the following:~~

1. ~~Specifies which specifies~~ the period within which all required improvements and repairs shall be completed;
2. ~~A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant's performance guarantee;~~
3. ~~Stipulates the improvement fees and deposits that are required;~~
4. ~~Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract, if approved by the City;~~

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

E. When Subdivider Fails to Perform. In the event the developer fails to ~~carry out~~ complete all provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure required improvements, the City shall call on the bond, cash deposit, or letter of credit for reimbursement to construct the required improvements.

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

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

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

~~D. Agreement. An agreement between the City and developer shall be recorded with the final plat, BSP, or short plat that stipulates all of the following:~~

10-4D-10 Filing and Recording

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

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

C. Prerequisites to recording the plat.

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

		<p>placed on the tax roll have been paid.</p> <p>10-4D-11 Replatting and Vacation of Plats</p> <p>A. <u>Replatting and Vacations.</u> Any plat, BSP, or short plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Changes of condition to final plats, BSPs, and short plats are covered in Article 10-4F below.</p> <p>B. <u>Procedure.</u> All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision, binding site plan, or short subdivision (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the original land division process shall be afforded to the plat vacation process. (See Article 10-4B - Types of Applications and Review Procedures). Applications shall conform to the applicable sections of RCW 58.17.</p> <p>Subsections C, D, E, & F</p> <p>10-4D-12 Boundary Line Adjustments.....</p> <p><u>10-4D-13 Binding Site Plans (BSP)</u></p> <p><u>Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed use zoned properties as provided in RCW 58.17.035. The application submission and approvals process is as follows:</u></p> <p><u>A. General provisions.</u></p> <p><u>1. The purpose of this chapter is to provide a process to divide industrial and commercial land into lots, tracts, parcels, sites or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area. It is also to provide a process designating lots to be created; however, such designation is to be liberally construed in order that lots may be modified without resubmittal of an application, as long as the project is consistent with required zoning and other development standards.</u></p> <p><u>2. The process of binding site plans is limited to those areas which are zoned for commercial, industrial, or mixed use under the City of Liberty Lake Development Code. It may also be used for the purpose of approving manufactured home parks located in other zones under the Liberty lake Lake Development Code.</u></p> <p><u>B. Application.</u></p> <p><u>Prior to filing an application with the divisionCity, the applicant shouldshall have a preconferencePre-Application Conference with the directorCity. Following the preconference, the applicant may submit a preliminary binding site plan application for review by the divisionCity and appropriate agencies.</u></p>	
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C. Contents of preliminary binding site plan
Preliminary Binding Site Plan.

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

1 Maps/Exhibits.

a. A minimum of **ninesix (6)** copies of the preliminary binding site plan prepared by or under the direction of a licensed professional land surveyor, **twenty-four by thirty-six inches24" x 36"** in size, and with a scale of 1"=50', 1"=100'. If approved by the **directorCity**, an appropriate scale may be used which does not exceed 1"=200'.

b. One reduced copy of the preliminary binding site plan (**11"x17" size**) and one electronic version in a **format requested by the City**.

c. One copy of the Spokane County assessor's map showing the location of and the existing parcel number of all abutting properties. The approximate location of the subject property shall be clearly marked.

d. Environmental checklist per **City of Liberty Lake environmental ordinance**.

e. Legal description of the property with the source of the legal description clearly indicated.

f. Public notice packet.

2 Preliminary Binding Site Plan Data (To Be Illustrated on the Preliminary Binding Site Plan).

a. Name, address and telephone number of the owner and the person with whom official contact should be made regarding the binding site plan.

b. Location of the binding site plan by section, township, range.

c. A statement describing the number of lots, general proposed uses of the lots, method of water supply, and sanitary disposal of sewage.

d. Vicinity map which shall indicate the property to be divided.

e. North arrow, scale, and the boundary of the proposed binding site plan.

f. Boundaries of all blocks, the designation of lots, lot lines, and dimensions.

g. The location, names and widths of all existing and proposed streets, roads, and access easements within the proposed binding site plan and adjoining the binding site plan.

h. Approximate location of existing structures, septic tanks, drainfields, wells and other improvements located on the site and whether such structures are proposed to remain on the property.

i. Illustrate any proposed easements and/or divisions to be dedicated for any public purpose.

j. The approximate location, size, and dimension of any common areas on the site.

k. Approximate location of any natural features such as wooded areas, streams, drainage ways, and critical areas as defined in the critical areas ordinance.

l. Topographic information at ten-foot intervals, if any slopes exceed ten percent.

D. Distribution of preliminary binding site plans Preliminary Binding Site Plans.

If the directorCity determines that the application is complete under the requirements listed above and that the preliminary binding site plan contains sufficient elements and data to furnish a basis for its approval or disapproval, the directorCity shall assign a file number to the preliminary binding site plan and issue a receipt. Copies of the preliminary binding site plan shall be distributed to affected agencies by the directorCity.

E. Preliminary Binding Site Plan Agency Reviewreview.

The affected agencies shall review the preliminary binding site plan during the Notice of Application comment period and within fourteen (14) days or less, furnish their recommendation and recommended conditions, if any, for approval or disapproval of the preliminary binding site plan to the directorCity. All required recommendations and recommended conditions of approval from agencies of jurisdiction shall be received in writing by the directorCity and shall be made part of the file. The divisionCity and reviewing agencies may request additional information during the review process in order to process the application.

After reviewing the project and completing SEPA review, the directorDirector shall issue a written

		<p>decision approving or denying the application with written findings of fact.</p> <p>F. Preliminary Binding Site Plan Public notice.</p> <p>The director shall provide, or shall cause public notice to be given by the applicant, to adjacent property owners. Notice of application, decision, and other required notice shall be made pursuant to the requirements for a Type I permit Project Permit (see Article 10-4B).</p> <p>G. Public use and interest.</p> <p>The director/Director should determine, and make written findings, if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare; and whether the public interest will be served by the binding site plan.</p> <p>H. Conformity with applicable land use controls.</p> <p>Binding site plans can be approved by the director, if the director makes a formal written finding of fact that the proposed binding site plan is in conformity with any applicable zoning code/the Development Code or other land use controls which are known to exist.</p> <p>I. Preliminary approval.</p> <p>Applications for binding site plans should either be approved, approved with conditions, or denied within forty-five calendar days of the issuance of a determination of completeness, unless the applicant gives consent to an extension of time, or in accordance with the Type I Project Permit review procedures, unless additional environmental information is required under SEPA.</p> <p>Preliminary binding site plan approval shall automatically expire five years from the date of approval unless an extension of time is granted as follows: The P&CD Director shall, upon written request by the applicant and payment of the required fee, grant one or more extensions of the approval period. Each such extension period shall not exceed three years in duration.</p> <p>The Director may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed three (3) years; provided that:</p> <ol style="list-style-type: none"> 1. Any changes to the BSP follow the procedures in Article 10-4F; 2. The applicant has submitted written intent to file a final BSP within the extension period; 3. An extension of time will not prevent the lawful development of abutting properties; 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary BSP application 	
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shall be required;

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

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

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

J. General design.

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

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

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

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

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

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

K. RoadsStreets.

Direct access to every lot shall be provided by a public or private roadstreet, or a private driveway easement consistent with the City Street Standards. Exceptions to the standards may be granted by the City Engineer on a case by case basis. There shall be no limit as to the number of lots or uses which may be accessed off such public or private road or private driveway

easement provided that the physical improvements of said access shall be designed to accommodate the anticipated usage and generally meet the requirements of the public service providers, as applicable.

Public roadsstreet(s), private road(s)street(s) and or driveways serving those lots being developed shall be reviewed by the City Engineer and constructed by the developer / applicant, and final as-built plans shall be submitted prior to the issuance of a certificate of occupancy building permit, unless a Performance Guarantee has been provided in accordance with Section 10-4D-9.

L. Sewage disposal.

Provisions for adequate sewage disposal shall be in compliance with the City of Liberty Lake sewer ordinanceSewer Ordinance, comprehensive wastewater management plan, and current City of Liberty Lake, Spokane Regional Health District, Department of Health, Department of Ecologyregional health district, department of health, department of ecology, or the other appropriate agencies' regulations.

M. Water supply.

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

N. Stormwater runoff.

Provisions for stormwater runoff shall be in compliance with Article 10-3H Stormwater Management.City of Liberty Lake guidelines for stormwater management.

O. Utilities.

The dedication language in the final binding site plan shall include a statement indicating that utility easements for utility purveyors shall be made prior to the creation of each lot through a record of survey. If the binding site plan is finalized in one phase, easements for electric, water, sewer, gas, and similar utilities shall be illustrated on the final binding site plan. The utility purveyors shall indicate to the directorCity in writing or verbally that the easements are adequate for their service needs.

P. Professional land surveyor.

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

roadstreet and sewer construction, as amended.

Q. Mapping requirements.

The final platBSP map shall show:

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

be shown in square feet.

R. Monumentation.

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

Move S to end of section

TS. Final binding site plan submittal
Site Plan Submittal.

The final binding site plan shall incorporate any conditions of approval imposed by the directorCity and shall be prepared and certified by a licensed professional land surveyor.

Submittal of a final binding site plan shall be made within five years of the date of preliminary approval, unless an extension of time has been granted under the provisions of 10-4D-4(I).

A final binding site plan may include all of the lots being created or it may consist of the boundary of the binding site plan. If no lots are being created at the time of filing the final binding site plan, the creation of any lots shall be made by a record of survey under the provisions of RCW 58.09RCW. Final BSP review should be completed within forty five (45) sixty (60) days of submittal.

All final binding site plan submittals shall include the following:

1. A minimum of ninesix (6) copies of the proposed final binding site plan;
2. One reduced copy of the proposed final binding site plan (11"x17" size), and one electronic version in a format requested by the City
23. Final binding site plan fees;
34. ThreeTwo (2) copies of a plat certificate.

UT. Contents of final binding site plan
Final Binding Site Plan.

1. The final binding site plan shall be a legibly drawn, printed, or reproduced permanent map, twenty-four by thirty-six inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the plat. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

2. The binding site plan file number;

		<p><u>location by section, township and range shall be shown.</u></p> <p><u>3. The scale shall be fifty or one hundred feet to the inch. If approved by the directorCity, an appropriate scale may be used which does not exceed 1"=200', provided a 1"=400' reduced copy is also submitted.</u></p> <p><u>4. A distinct wide boundary line shall delineate the boundary of the binding site plan.</u></p> <p><u>5. Any lot(s) being finalized shall be numbered consecutively, and the size of those lots shall be indicated on the final binding site plan.</u></p> <p><u>6. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the binding site plan shall be shown. A statement dedicating any required right-of-way shall appear on the face of the final binding site plan.</u></p> <p><u>7. The layout, lot and block numbers, and dimensions of all lots shall be shown.</u></p> <p><u>8. The location and dimensions of any common areas within the final binding site plan, and a description of the purpose thereof.</u></p> <p><u>9. Layout and names of adjoining subdivisions and replats shall be shown with a dashed line within and adjacent to the binding site plan boundary.</u></p> <p><u>10. Street names shall be shown.</u></p> <p><u>11. Street addresses for each lot shall be shown.</u></p> <p><u>12. Restrictions required as conditions of preliminary approval shall be shown.</u></p> <p><u>13. Appropriate utility easements shall be shown, if lots are being created.</u></p> <p><u>14. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, and connections to state highways shall be shown.</u></p> <p><u>15. Any roadsstreets not dedicated to the public shall be clearly marked and named per countyCity standards.</u></p> <p><u>16. A notarized certification by the owner(s) shall be provided dedicating streets, areas intended for other public use, and granting of easements for slope and utilities.</u></p> <p><u>17. A certification signed by a licensed professional land surveyor registered stating that, where required, the final binding site plan</u></p>	
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was surveyed and prepared by himself/herself, or under his/her supervision, that the binding site plan is a true and correct representation of the subject land, and that monumentation have been established as required by City standards.

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

a. Property Owners of Record

b. Spokane County Auditor's Certificate

c. Surveyor's Certificate

d. City of Liberty Lake

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

Director, Planning and Community Development Department

e. City of Liberty Lake Engineer

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

City of Liberty Lake Engineer

f. Spokane County Assessor

g. Spokane County Treasurer

a. ~~City of Liberty Lake engineer;~~

b. ~~Health officer of the Spokane regional health district;~~

c. ~~City of Liberty Lake building and planning director;~~

d. ~~Spokane County treasurer;~~

e. ~~Spokane County assessor;~~

VU. Filing.

The original final binding site plan shall be submitted to the division of engineering and roads. Once the City engineer has affixed his/her signatures on the final binding site plan, it shall be submitted to the director for obtaining the rest of the required signatures.

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

SV. Record of survey.

A record of survey may be filed subsequent to the recording of a final binding site plan to establish lots within the boundaries of the final binding site plan, consistent with the Preliminary Binding Site Plan approval, conditions, and expiration provisions. The record of survey shall should be reviewed and approved, usually within twenty45 days, by the

director prior to its recordation.

All record of survey submittals shall include the following:

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

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

1. The survey shall be of a size required by the county auditor. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.
2. The binding site plan file number shall be referenced.
3. The scale shall be fifty or one hundred feet to the inch. If approved by the ~~director~~City, an appropriate scale may be used which does not exceed 1"=200', provided a 1"=400' reduced copy is provided.
4. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
5. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the record of survey.
6. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the lot being created shall be shown.
7. Street names shall be shown.
8. Street addresses of each lot shall be shown.
9. Restrictions required as conditions of preliminary approval shall be shown.
10. Appropriate utility easements shall be shown.
11. Certification of the licensed professional land surveyor.
12. The following signatures are required on the record of survey:
 - a. City of Liberty Lake P&CD Community Development Director;

		<u>b. Property owner.</u> <u>13. Illustrate any existing buildings located on the lot which is being created.</u> <u>14. Provide an amendment history chart.</u>	
	City Planning Commission Recommendation - APPROVAL W/ MODIFICATIONS of Amendment ZTA-08-0037		
	City Planning Commission Recommendation - APPROVAL W/ MODIFICATIONS of Amendment ZTA-08-0037		
	City Council Decision - APPROVAL W/ MODIFICATIONS of Amendment ZTA-08-0037 with Final BSP Review further modified to sixty (60) days		

SAP-08-0001 TO BE REVIEWED AT A SEPARATE PUBLIC HEARING

Greenstone / SAP-08-0001	River District SAP
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