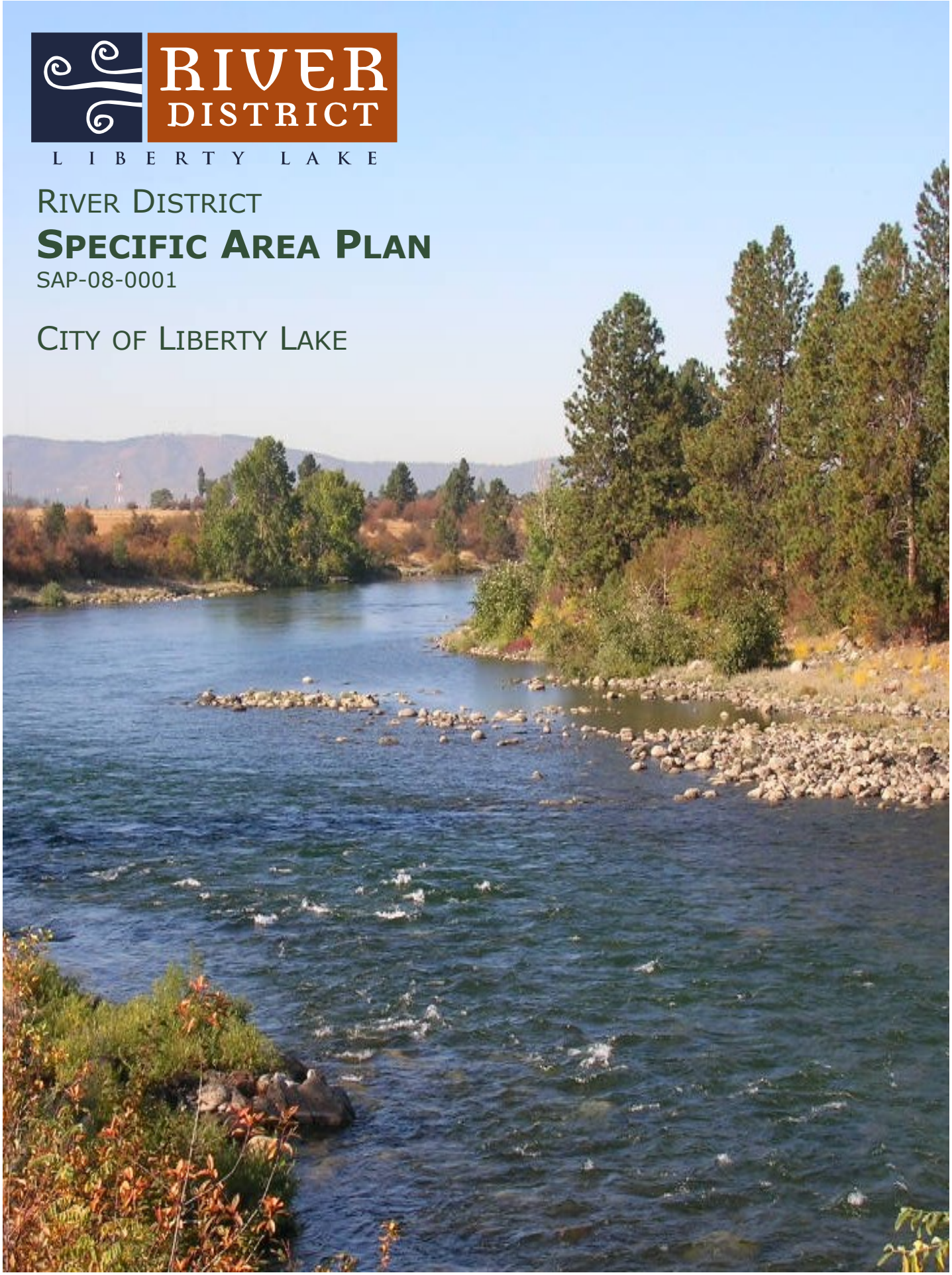
RIVER DISTRICT

LIBERTY LAKE

River District
Specific Area Plan

SAP-08-0001

City of Liberty Lake



RIVER DISTRICT
LIBERTY LAKE

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Section 1

City of Liberty Lake Specific Area Plan Application

1.1 River District Specific Area Plan Application

Refer to Original Proposed River District Specific Area Plan Overlay Submittal - July 2008, for Application

Section 2

Project Overview

2.1 Project Overview
Development and Implementation Principles for the River District Specific Area Plan (SAP)

2.2 River District Specific Area Master Plan

2.1 Project Overview

Development and Implementation Principles for the River District Specific Area Plan (SAP)

Introduction to the River District Specific Area Plan

The best loved neighborhoods all have a special quality. A 'sense of place' that is created when the tangible elements of a place are interwoven with those intangibles of family, friends and experiences. Together they become the social fabric of community. This social fabric becomes stronger as more threads are added. Great communities have a fabric that is woven with threads of housing, retail, commercial, office, parks, public art, trails, walkable neighborhoods and interconnected uses. Creating a great community takes planning, attention to detail and patience. Too often communities do not achieve their potential when a key component is forgotten or not fully developed.

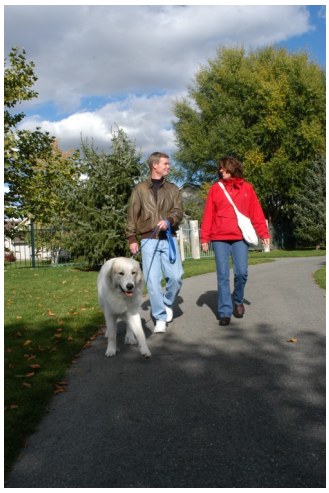
River District Goals:

1. **River District is designed as a "Compact, Complete Community"**

   Traditional neighborhood developments are compact and complete. Compact development patterns (for both residential and commercial uses), can promote a more efficient use of land and lower the costs of providing public infrastructure and services.

   This type of development also means the development is designed for the human scale. The human scale is defined as the relationship between the dimensions of the human body and the proportion of the spaces which people use. This includes paying attention to walking distances, the height of buildings, the design of street lights and signs, sidewalks, and other features.

   A development that is compact and complete can also promote social interaction by including civic spaces such as parks and public buildings. It also means residential, commercial, and civic buildings are interconnected and within close proximity of each other in order to encourage people to walk between the various uses.



River District Compact Development Objectives:

- The River District will contain housing, shops, workplaces, parks and civic facilities essential to the daily life of the

residents and connected by a system of sidewalks and pathways

- The River District community has a center focus that combines commercial, civic, cultural and recreational uses where civic buildings and squares reinforce the identity of the neighborhood
- The River District contains an integrated system of parks and open spaces in the form of greenways and parks designed for frequent and multiple use.
- An economically diverse variety of housing types (single family homes, alley homes, townhomes, condominium homes and apartment homes) and a broad range of commercial and civic uses.

River District Compact Development Implementation Principles:

- Neighborhoods that can be walked from the neighborhood edge to a mixed-use center in five to ten minutes
- Parks/open space that are accessible by walking from all residential areas within five minutes
- Sidewalks at least 6 feet wide in residential areas and 6 to 12 feet in mixed-use and commercial areas. Parkway strips of 5 to 10 feet that buffer pedestrians from traffic and allow tree planting.
- Street and block patterns that form an interconnected grid with block faces that are generally between 300 and 900 feet with an average of 500 feet in length.
- Mixed use development forms, including "Residential Urban Villages" with higher density development (up to 30 du/acre) and commercial mixed use (up to 75,000 square feet); and small scale "Neighborhood Villages" with commercial uses (up to

5000 square feet) integrated into mixed-use neighborhood centers within lower density residential areas.

2. River District should incorporate a "Mixed Use Design" focus.

River District is designed to include a broad mixture of uses. Mixing uses, or allowing residential, retail, commercial and civic uses in one neighborhood, contributes to the vitality and viability of neighborhoods and is a principal goal of the River District plan.

River District Mixed Use Objectives:

- Create a balance between jobs and housing to create a healthy close-knit neighborhood where residents have a greater opportunity to take care of their daily needs without having to leave the community.
- Create a pedestrian friendly environment in mixed use retail areas by introducing street level retail, service or office.
- Design vertically mixed uses in multi-story buildings that are primarily residential but could include office uses in order to foster a village center that has round the clock street activity.
- Design mixed use areas that have short blocks with wide sidewalks, street furniture and awnings to create a pedestrian -friendly environment.

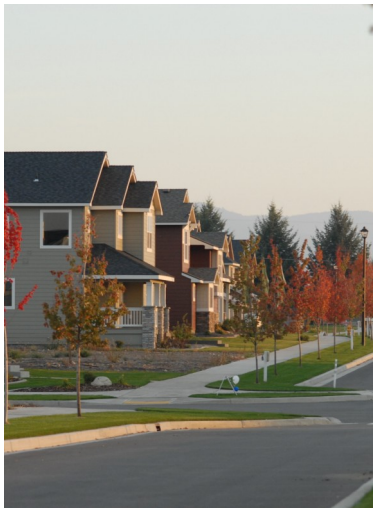
River District Mixed Use Implementation Principles:

- Mixed use 'Village Center' and 'Neighborhood Retail Clusters' shall incorporate a combination of single story and multi-story construction.
- Street level uses in mixed use areas will be primarily retail, service or office with ground floor entrances and display windows. Corner buildings should incorporate a corner entrance and other detail to establish the character of the critical street corners in the mixed use areas.
- Upper floor uses in mixed use areas shall be primarily residential in order to contribute to the 24 hour dynamic of the mixed use center. Office uses will be allowed on a limited basis.
- Parking in mixed use areas will be shared to the greatest

extent possible with provisions for parking based on peak hours of adjacent uses. On site parking shall be located behind buildings, incorporated into the building design or in structured garages.

3. **River District's streets, sidewalks and trails will provide for multiple modes of transportation and make the community as pedestrian and bicycle friendly as possible.**

River District will provide for multi-modal community access with an interconnected network of circulation systems that facilitate walking, bicycling, and driving. Streets are designed to promote the safe and efficient use of different transportation modes. The interconnected street pattern is meant to limit the use of isolated cul-de-sacs that force the major circulation pattern of a community onto a few major roads.



River District Multi-Modal Transportation Objectives:

- Reduce excessive street widths in order to calm traffic, minimize impervious surface and establish a more pedestrian and bicycle friendly environment.
- Create an interconnected transportation network that disperses vehicular traffic and provides multiple options for drivers, pedestrians and bicyclists.
- Create a pedestrian friendly environment with a network of carefully planned sidewalks, paths and trails that connect neighborhoods to retail, commercial, office and recreational areas.
- Develop the sidewalk, path and trail network to be fully integrated with a system of 'greenways'. These greenways would include parks playgrounds and protected lands.

River District Multi-Modal Transportation Principles:

- Street sections are designed to meet the level of traffic anticipated for each street. Streets will be narrower than typical sections in order to minimize excessive impervious surface and calm traffic.
- Neighborhoods, parks, neighborhood retail clusters, village centers, commercial, retail and offices will be interconnected with a continuous paved system of sidewalks, paths and trails.

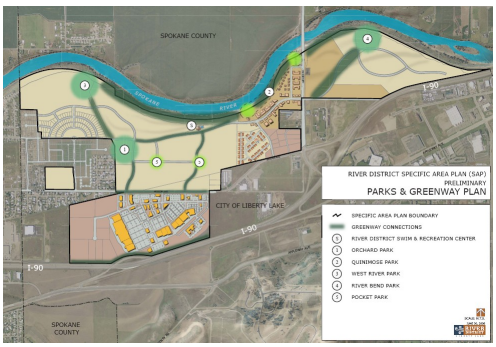
- Provide on-street parking on the majority of streets with bulb outs for pedestrian crossings.
- Develop a park and ride lot in River District in conjunction with Spokane Transit Authority.

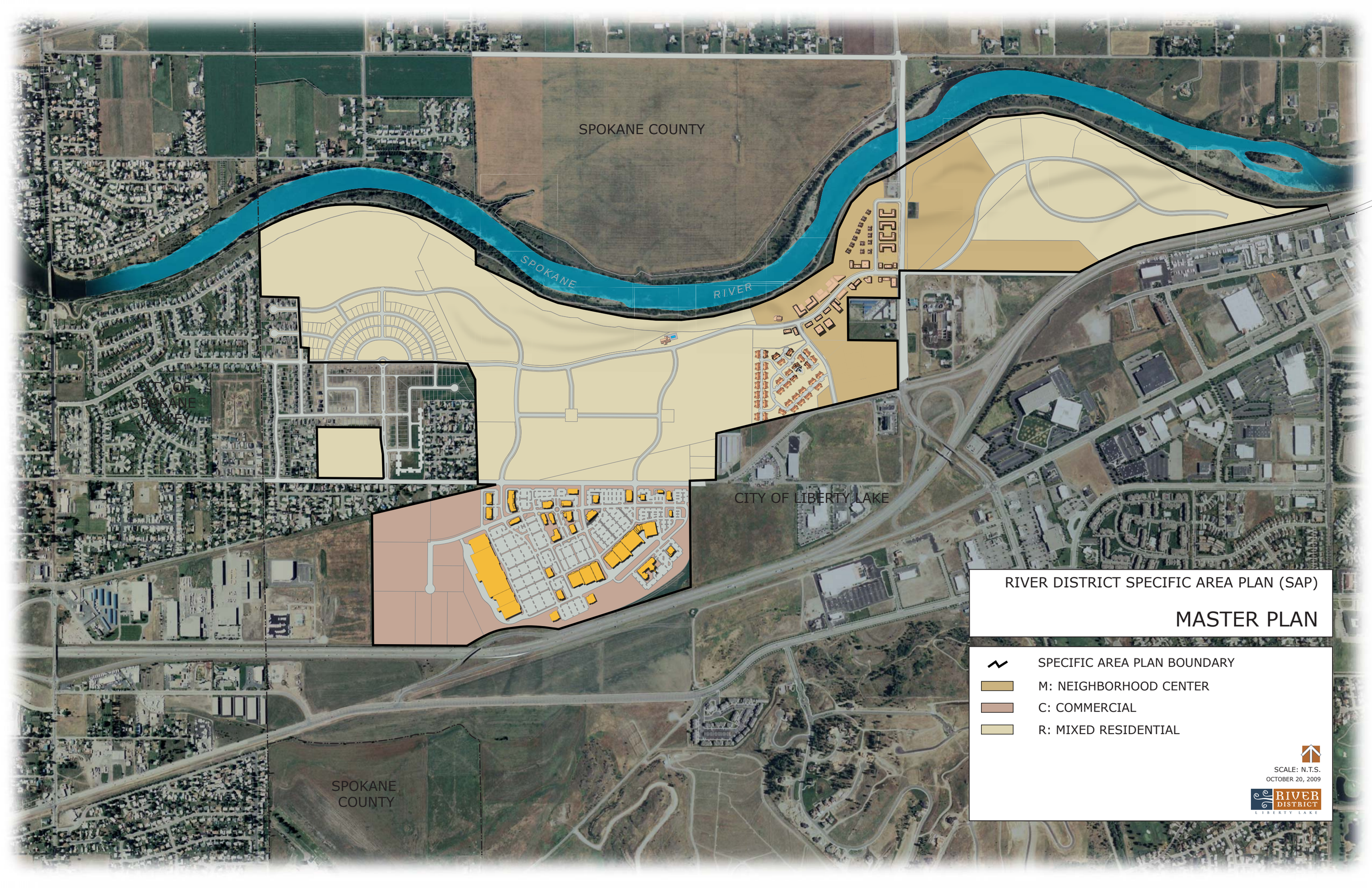
4. River District's 'Greenway' corridors of functionally connected parks, open spaces and Spokane River access will be responsive to the cultural and environmental context of the region.

The River District "greenways" are a network of parks, open space and protected lands that will be managed for multiple uses including: nature protection, biodiversity management, water resources, recreation, and cultural/historic resource protection. Greenway systems, such a that proposed for the River District include linear corridors and larger areas of open space and parks that are physically and functionally connected. Greenways are strategic and spatially efficient for protecting and managing land because greenway resources are not randomly distributed but rather are concentrated in corridors.

River District Greenways Objectives:

- Identification and preservation of valuable cultural and natural resources.
- Restoration of sections of the river ecosystem that have been damaged by adverse impacts of human activity.
- Protect and improve the Spokane River's water quality.
- Plan and design recreation to allow all people some appropriate access to experience the Spokane River in a safe, meaningful, and responsible manner.
- Incorporate education to increase understanding of the Spokane River Corridor's resources and importance to people's quality of life.




SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
MASTER PLAN
SPECIFIC AREA PLAN BOUNDARY
M: NEIGHBORHOOD CENTER
C: COMMERCIAL
R: MIXED RESIDENTIAL
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE

Section 3

Specific Area Plan Text

3.1 River District Specific Area Plan Purpose

3.2 Implementation

3.3 Overview of Architectural Standards

3.4 Land Use and Development Standards
Chapter 1 - Introduction
Chapter 2
RD-R (Mixed Residential)
RD-M (Neighborhood Center Mixed Use)
RD-C (Freeway Commercial)
Chapter 3 - River District Design Standards
Chapter 4 - Applications & Review Procedures
Chapter 5 - Exceptions to Code Standards
Chapter 6 - Environment

3.5 Setbacks, Lot Dimensions, Coverage and Density

3.6 Land Use Analysis
Density
Open Space

Section 3

Specific Area Plan Text

3.1 River District Specific Area Plan Purpose

The River District Specific Area Plan overlay district ("RDSAP") describes in more detail the type of development planned for Liberty Lake's River District than is currently found in the City of Liberty Lake's comprehensive plan, zone map and development code. The area covered by the River District Specific Area Plan includes multiple parcels and land owners.

The district standards are based on the following principles:

1. River District is designed as a "Compact, Complete Community".
2. River District should incorporate a "Mixed Use Design" focus.
3. River District's streets, sidewalks and trails will provide for multiple modes of transportation and make the community as pedestrian and bicycle friendly as possible.
4. River District's 'Greenway' corridors of functionally connected parks, open spaces and Spokane River access will be responsive to the cultural and environmental context of the region.

3.2 Implementation

The implementation of the River District SAP will generally utilize the land use application process that is described in the City Development Code. Minor changes to Chapter 4 of the City Development code have been proposed that will provide a consistent and clear application review process for specific development projects within the SAP. The specific changes that are proposed to Chapter 4 of the City Development Code are outlined in Appendices, and generally include the following:

1. Subdivision and planned unit development projects that are consistent with the River District SAP Plan Zoning Map will be process as a Type II permit, requiring Hearing Examiner Approval rather than a Type III permit which would require City Council Approval. The City Council would remain as the appeal body for a Type II permit.

2. Zone classification changes will still be processed as a Type III permit.

3. Site Design Review remains as described in Chapter 4 but is limited to Commercial and Industrial buildings.

4. A revised process for Binding Site Plan (BSP) approval for commercial developments is provided as a Type I permit, the same as the current code. The revised BSP process is more consistent with the intent of State statute and is consistent with the procedure used by Spokane County by providing greater flexibility in the approval of preliminary and final binding site plans for commercial development.

5. The requirement for the bonding of subdivision improvements is eliminated. Assurance to the city for completion of subdivision improvements can be made through the building permit process. This process is used by the Liberty Lake Sewer and Water District and many other municipalities.

3.3 Overview of Architectural and Design Standards

The River District Specific Area Plan includes design standards that are unique to the project and community and are intended to achieve the vision and goals that are established in River District Development and Implementation Principles.

Our goals for the River District are to achieve a more compact community design; an integration of different residential products and lands uses on a finer scale; and a more walkable and pedestrian friendly community. This is a pattern of development that varies from that anticipated under the current City Development Code, which tends to regulate land uses within discrete zoned areas.

The following areas summarize key elements contained in the River District Design Standards.

Street Standards: The River District standards will generally allow narrower roadway sections which are intended to calm traffic and provide a safer pedestrian environment.

Sidewalk Width: The SAP provides for sidewalk (or pathway) widths that vary from 6 feet to 10 feet depending upon the roadway section, street location, and anticipated pedestrian traffic volumes. Wider sidewalks are called for as expected pedestrian volumes increase. This will provide for a more effective pedestrian system and one that is more resource efficient. This is in lieu of the single sidewalk standard of 6 feet in the City Development Code.

Storm Drainage: The River District standards will require that storm water be retained and treated in systems that are located outside of the established roadway planting strip. This will allow the uniform development of street trees along all public roads and will eliminate the practice of allowing storm water control in swales between the curb and the sidewalk.

Parking: The SAP standards reduce and in some cases eliminate the minimum standards for on-site parking. Walkable communities have a lowered requirement for on-site parking. In addition on street parking can meet some

of the need for on-site parking in mixed-use zone classifications.

Signage: The SAP allows some relation of signage standards for residential marketing and community identification to allow visitors and guests to more easily navigate the community. In general the strict signage standards of the City Development Code are retained with minor adjustments.

Landscaping: The landscape requirements are generally more effective and substantial in the SAP standards. As noted above, require street side planning strips cannot be used for storm water control (as currently allowed). The same is true for required landscaping that is located in the parking areas of commercial projects.

3.4 Land Use and Development Standards
Summary of Development Code Changes

The following chapters of the Liberty Lake Development Code have been modified or replaced as noted. Chapters that have been modified follow in this section. Details of modifications follow in the appendices.

Chapter 1 - Introduction

The following provides a general overview of modifications.
General:

1. Modifications to the text to reflect 'River District Specific Area Plan'
2. Modifications to a number of definitions to be consistent with River District-Residential, River District-Commercial and River District-Mixed Use land use districts.

Specific:

1. Clarification of street definitions.
2. Definition of Neighborhood Retail Cluster

Chapter 2—Zoning Districts

Article 10-2E-RD-R (Mixed Residential) District

The following provides a general overview of modifications.
General:

1. Modifications to the text to reflect 'River District Specific Area Plan'
2. Modifications/Additions to the following requirements:
    - Home Occupation Limited Uses requirements.
    - Child day-care center requirements.
    - Athletic club/exercise facility/gym requirements
    - Neighborhood Retail Cluster
    - General Retail
    - Grocery Store

- Pharmacy
- Restaurant café, or ice cream parlor
- Winery / Microbrew
- Artisan/Craftsman Live Work
- Office
- Bed and breakfast inn
- Public utility local distribution facility

Specific:

1. Development Setbacks
2. Residential Density
3. Architectural Guidelines and Special Standards

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

The following provides a general overview of modifications.
General:

1. Modifications to the text to reflect 'River District Specific Area Plan'
2. Modifications/Additions to the following requirements:
    - Home Occupation Limited Uses requirements.
    - Parking Structure
    - Tower, private
    - Animal health services/veterinarian—domestic animals.
    - Accessory Dwelling Units
    - Dwelling, multi-family
    - Bed and breakfast inn
    - Wireless communication antenna array.

Specific:

1. Development Setbacks
2. Lot area, Dimensions and Density
3. Parking
4. Architectural Guidelines and Special Standards

Article 10-2E-RD-C
(Freeway Commercial) District

The following provides a general overview of modifications.
General:

1. Modifications to the text to reflect 'River District Specific Area Plan'
2. Modifications/Additions to the following requirements:
    - Agricultural product / craft sales stand.
    - Animal health services/veterinarian-domestic animals.
    - Wireless communication antenna array.

Specific:

1. Landscape Buffering.
2. Neighborhood Access.
3. Lot Area, Dimensions and coverage.
4. Building orientation

Chapter 3 Design and Maintenance Standards-Replaced

The changes to Chapter 3 were substantial enough to warrant the replacement of Liberty Lake's Chapter 3 of the development code with the River District Design Standards. Important highlights of the River District Design Standards include:

General:

1. Incorporation of 'River District Specific Area Plan' as governing document.
2. Access and circulation changes.
3. Parking area landscaping.
4. Vehicle and bicycle parking requirements.
5. Signage standards.
6. Transportation improvements.
7. Relationship of requirements to the Liberty Lake Mitigation Plan.
8. Future street plan and extension of Streets.
9. Dedication requirements for Public Use Areas.

Specific:

1. New road sections and classifications to meet the River District goals and objectives.
2. Stormwater management and required landscaping clarification of incorporation.
3. Clarification of landscaping with shared driveways.
4. Alternative parking lot tree installation requirement to meet shading requirement of 50% for parking lots.
5. I-90 landscape buffer.
6. Fencing requirements/restrictions.
7. Restriction of stormwater facilities to areas outside the required landscape planter strip and landscape areas.
8. Construction Plan Approval and Assurances

Chapter 4 Applications and Review Procedures

The following provides an overview of modifications made to Chapter 4. Important highlights of the River District Design Specific Area Plan include:

General:

1. Review of Type I, II, III Projects.
2. Site Design Review for commercial and industrial buildings.
3. Modifications and extensions to preliminary plats, BSP or short plats.

Specific:

1. Modifications to Performance Guarantees.
2. Modifications to Temporary Sales Office or Model Home requirements.

3.4 Land Use and Development Standards Additional Information

1. Accessory Structures, See:
   - 10-2C-RD-R, 10-2C-5
   - 10-2E-RD-M, 10-2E-3, 5
   - 10-2I-RD-C, 10-2I-3, 5

2. Development Setbacks, See:
   - 10-2C-RD-R, 10-2C-6
   - 10-2E-RD-M, 10-2E-6
   - 10-2I-RD-C, 10-2I-6

3. Lot areas, Dimensions, Coverage and Residential Density, See:
   - 10-2C-RD-R, 10-2C-7
   - 10-2E-RD-M, 10-2E-7
   - 10-2I-RD-C, 10-2I-7

4. Building Height Regulations, See:
   - 10-2C-RD-R, 10-2C-8
   - 10-2E-RD-M, 10-2E-8
   - 10-2I-RD-C, 10-2I-8

5. Building Orientation, See:
   - 10-2C-RD-R, 10-2C-9
   - 10-2E-RD-M, 10-2E-9
   - 10-2I-RD-C

6. Architectural Guidelines and Special Standards, See:
   - 10-2C-RD-R, 10-2C-10
   - 10-2E-RD-M, 10-2E-10
   - 10-2I-RD-C

7. Pedestrian and Transit Amenities, See:
   - River District Design Standards, Article 2, 2.2J.

8. Critical Area Changes: None noted.

CHAPTER 1
INTRODUCTION

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Article 10-1A — How to Use the Development Code

Welcome to the River District Specific Area Plan (RDSAP) amendment to the City of Liberty Lake Development Code. This is a comprehensive land use and development code that governs all of the land within the River District of the City of Liberty Lake. The five chapters of the Code are used together to review land use applications. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the Code. It also explains the city authority to enforce the Development Code.

Chapter 2 - Every parcel, lot, and tract of land within the City's incorporated boundaries is also within a "zoning district". (Zoning districts are shown on the River District Specific Area Zoning District Map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, he zones or "zoning districts" conform to the City of Liberty Lake Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 - The design and maintenance standards contained in Chapter 3 apply throughout the SAP overlay. They are used in preparing development plans, and reviewing applications, to ensure compliance with standards for access and circulation, landscaping, parking, signage, storage, public facilities, surface water management, and critical areas. Additionally, this chapter contains property maintenance standards.

Chapter 4 - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Five types of permit procedures are covered: Exempt, Type I, Type II, Type III, and Type IV.

Chapter 5 & 6 - Refer to the City Development Code for Ch. 5 - Exceptions to Code Standards and Ch. 6 - Environment.

Article 10-1B — General Administration

Sections:

10-1B-1 **Severability**

10-1B-2 **Compliance and Scope**

10-1B-3 **Consistency with Plan and Laws**

10-1B-4 **Use of a Development**

10-1B-5 **Pre-Existing Approvals**

10-1B-6 **Building Permit and Certificate of Occupancy**

10-1B-7 **Official Action**

10-1B-8 **Alternative Methods of Compliance**

10-1B-1 Severability

The provisions of this title are severable. If any section, sentence, clause, or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

10-1B-2 Compliance and Scope

A. Compliance with the provisions in the Development Code as modified by the River District Specific Plan (RDSAP). Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded or no permit shall be issued without compliance with the provisions of this Code.

B. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking development or the use of land, and those persons' successors in interest.

C. River District Specific Area Plan regulations apply. Where the specific SAP regulations differ from the standards in the Development Code, the SAP regulations shall apply..

D. Variances. Variances shall be governed by the provisions of Article 10-5B of the City Development Code.

E. Transfer of development standards prohibited. No lot area, yard or other open space, or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space, or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

10-1B-3 Consistency with Plan and Laws

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Liberty Lake as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and the Purpose and Intent statement of the SAP.

10-1B-4 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Article 10-5C of the City Development Code), and is not prohibited by law.

10-1B-5 Pre-Existing Approvals

A. Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Article 10-4F - Modifications to Approved Plans and Conditions of Approval of the City Development Code.

B. Subsequent development applications. All development proposals received by the Director of Planning and Community Development ("Director") after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

10-1B-6 Building Permit and Certificate of Occupancy.

A. Building permit. A building permit shall not be issued until the Director or his or her designee has issued a development permit in accordance with the provisions of Chapter 4 - Applications and Review Procedures and that the project complies with this Code, or otherwise found that a development permit or project review is not required.

B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the Building Official or his or her designee has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable development regulations and building permits.

C. Prior to final completion. Prior to the final completion of all work, a temporary certificate of occupancy may be issued for a portion of the structure(s) conditioned upon further work being completed by a date certain.

10-1B-7 Official Action.

A. Official Action. All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Severability. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.

C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code; however, a good faith effort shall be made to provide notice.

10-1B-8 Alternative Methods of Compliance.

The Director or designee, in consultation with the City Administrator or Building Official, as applicable may accept alternative methods of complying with the development standards of this Code, provided it could be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of the Code. The Director or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as an Administrative Interpretation. The Director or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission and/or the Design Review Subcommittee for its information.

Article 10-1C — Definitions

A. General.

1. For the purpose of this Code, certain words and terms are defined herein. The word "shall" is always mandatory. The word "may" is permissive, subject to the judgment of the person administering the Code.
2. Words not defined herein shall be construed as defined in Webster's New Collegiate Dictionary.
3. The present tense includes the future, and the future the present.
4. The singular number includes the plural, and the plural the singular.

B. Definitions.

Abatement of a nuisance -The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

Abutting - Contiguous or adjoining, directly next to.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management -The control of street or highway access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with curbs, medians, etc. or by land dedication or easement.

Accessible - Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

Accessory caretaker's residence - An accessory use of a residence that is occupied by an employee of the property owner who is responsible for taking care of the property on which the caretaker's residence is placed.

Accessory Dwelling Unit (ADU) - Separate dwelling unit with separate cooking facilities that are substantially contained within the structure of a single family residence (attached) or an outbuilding which is an accessory structure to such residence (detached). Also includes individual apartments / dwelling units within mixed use buildings, generally for occupancy by business owners. Does not include multi-family dwellings.

Accessory use / structure - A building, area, part of a building, structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. These uses are accessory to a permitted, limited, or conditional use within each zone and are allowed in conjunction with the permitted, limited, or conditional use only.

Actively farmed - Any farm from which $20,000 or more of agricultural products (e.g. fruit, ornamental plants, vegetables, grain and/or Christmas trees) were produced and sold, or normally would have been sold during the year.

Adapted vegetation - Plants that are native to another region or continent with soil and climate conditions similar to the Inland Northwest.

Adequate Public Facilities - Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Adult Entertainment Establishment - Collectively refers to adult arcade establishments and live adult entertainment establishments, as defined herein.

> "Adult arcade establishment" means: A commercial premises to which a member of the public is invited or admitted and where adult arcade stations, booths, or devices are used to exhibit or display a graphic picture, view, film, videotape, or digital display of specified sexual activity, or live adult entertainment in a booth setting to a member of the public on a regular basis or as a substantial part of the premises activity.
>
> "Live adult entertainment establishment" means: A commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment, in a setting which does not include arcade booths or devices, to a member of the public on a regular basis or as a substantial part of the premises activity.

Adult Retail Use Establishment - A retail establishment which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade, to the sale, exchange, rental, loan, trade, transfer, or viewing of adult oriented merchandise.

> "Adult oriented merchandise" means: Any goods, products, commodities, or other ware, including but not limited to, videos, CD ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical area or specified sexual activities.
>
> "Specified anatomical areas" means: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
>
> "Specified Sexual Activities" means any of the following:
> 1. Human genitals in a state of sexual stimulation or arousal;
> 2. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; or
> 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself of one person by another.

Adverse impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Aesthetic Corridor / Boulevard - Aesthetic corridors and boulevards are intended to protect the visual appeal of the area along major transportation routes entering, exiting, and circulating through the City of Liberty Lake. Aesthetic corridors provide special landscape and design standards for aesthetics along major transportation routes to help maintain a quality image of the City. Boulevards provide for welcoming entry into the City as well as appealing aesthetics throughout the City through street trees, pathways, and landscaped medians.

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses.

Agency or agencies - As used in Article 10-6A of this Code, agency means the adopting jurisdictions, depending on the context.

Agriculture - Relating to the science or art of cultivating soil or producing crops to be used or consumed directly or indirectly by man or livestock, or raising of livestock. As used in this Code, “agriculture” is the same as “farm use”.

Agricultural activities - Those activities conducted on lands defined in RCW 84.34.020(2), as now or hereafter amended, which are either (a) lands in any contiguous ownership of twenty or more acres devoted primarily to the production of livestock or agricultural commodities for commercial purposes, or enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under Chapter 6; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one thousand dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under Chapter 6. Agricultural activities shall also include those existing and ongoing activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation drainage ditches, changes between agricultural activities and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a non-agricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

Agricultural product / craft sales stand or farmer's market - The temporary retail sale of agricultural products, artisan food products, prepared foods and/or nonagricultural products (e.g. crafts, antiques, kitchen goods, etc.) operating at a fixed location and operating not more than 90 days within any one year and with property owner consent and approval of a Temporary Use Permit and compliance with other City and Washington State Health Department regulations.

Agricultural land - Means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by state law, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. (Defined in 36.70A.030(2) as now or hereafter amended.)

> <u>"Long-term commercial significance" means:</u> the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

Agricultural processing - The series of operations taken to change agricultural products into food products.

Airport - Any area of land or water which is designated and set aside for landing and taking off of aircraft and which is utilized, or which is certified on a plan to be utilized, in the interest of the public for such purposes.

Airport hazard - Any structure or tree or use of land which obstructs the airspace required for the flights of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing or taking off of aircraft, and any use of land which is hazardous to persons or property because of its proximity to an airport.

Airstrip, Personal - A landing area for only 1 aircraft for personal use by only the owner.

Alley - A public or private 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. Alleys are connected to streets at both ends.

Altered / Alteration - Any change, addition, or modification in construction or any change in occupancy group or character of occupancy.

Ambient - Something that surrounds, as in the level of light, dust, or noise.

Ambulance / emergency services facility - A structure that houses vehicles and personnel equipped for transporting or caring for the injured or sick. May include dispatch facilities.

Amendment - A change in the wording, context, or substance of this Code, or change in the zone boundaries on the zoning map.

Animal, domestic - Animals other than inherently dangerous mammals or inherently dangerous reptiles, including but not limited to guinea pigs, ferrets, hamsters, rabbits, parakeets, canaries, aquarium fish, cats, dogs and other animals that would be considered household pets and are not at large.

> "Household pet" means: any animal normally domesticated and kept inside a dwelling, not including inherently dangerous mammals or inherently dangerous reptiles.
>
> "At large" means: a dog off the premises of its owner and not under restraint by leash, or chain, or not otherwise controlled by a competent person.

Animal health services / veterinarian, domestic animals - An establishment other than a kennel in which veterinary medical services, clipping, bathing, boarding, and similar services are rendered to dogs, cats and other small animals or domestic pets.

Animal, livestock - Animal types customarily raised or kept on farms, ranches, or the wild including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, bison, camels, chickens, guinea hens, geese, ducks, turkeys, emu, ostriches (struthious), kangaroos, mink, chinchilla, nutria, gnawing animals in general and other animals or fowl of similar size and type, except inherently dangerous mammals and inherently dangerous reptiles. Definition includes young or miniature livestock.

Animal shelter / kennel - Public or private establishments that provide a temporary home for lost or abandoned dogs, cats, and other animals that are offered for adoption.

Animal, Wildlife Rehabilitation Facility - A building, structure, pen or portion(s) thereof or an area of land where animals are housed, kept or maintained for the purpose of wildlife rehabilitation.

Applicant - A person who files an application for permit or approval and who is either the owner of the land on which that proposed regulated activity would be located, or is the authorized agent of the owner.

Aquifer - A geologic structure that is sufficiently permeable to conduct ground water and yield economically significant quantities of water to wells and springs.

Arcade - An arched or covered passageway; often along building fronts or between streets.

Art (Outdoor or Public)- Ornamental installations which are permitted outright in any zone classification as landscaping.

Art Gallery- A building or place where art is sold or displayed for sale or exhibition to the public.

An Art Gallery shall be considered a General Retail use.

Arterial - An arterial street. See Article 10-3G.

Articulate / articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Artisan Food Preparation- The preparation, development, and processing of agricultural or food products for retail sale or distribution in a building not exceeding 7,500 square feet. This would include, but not limited to, the making or processing of cheese, chocolate, tea, coffee, herbs, jams/preserves, meat or fish smoking, and butchery. Artisan food production shall be classified and permitted as a General Retail use.

Athletic club / exercise facility / gym - An indoor and/or outdoor area or structure(s) operated for profit and devoted to facilities and equipment for recreational purposes, including, but not limited to, swimming pools, tennis courts, racquetball courts, dance and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

Auto-court lane - A privately maintained lane, connected to a public street, which provides vehicular access to the garages or off-street parking areas of buildings / dwelling units that have common area or pedestrian path frontage (no street frontage) in conjunction with a pedestrian pathway system to the main entrance (i.e. front entry) of each building / dwelling unit. Auto-court lanes must be designed with approved fire access turnarounds, as applicable.

Automobile impound yard - An open area used exclusively for the storage of automobiles, motor vehicles and recreational vehicles impounded pursuant to order of a public law enforcement agency or insurance organization licensed to conduct business in the State, and stored solely for the purposes of law enforcement investigation, insurance investigation, title clearance and transfer and/or litigation. This definition does not include the dismantling or disassembly of vehicles except pursuant to litigation, the sale of vehicle parts nor the storage of non-impounded vehicles or their parts.

Automobile, etc. sales - An area, other than a street, used for the display and sale of more than 2 new or used automobiles or trucks in any 30-day period and where no repair work is done except that necessary for completion of the sale. (also includes manufactured home, recreational vehicle, trailer, and boat sales)

Automobile, etc. rental - An area, or building, used to park automobiles to be rented to the general public and where no automobile repair work is done except that necessary for completion of the sale; such area may include customer service and support space. (also includes recreational vehicle, trailer, truck, and taxi rentals)

Automobile parts sales - An indoor establishment for the sale of automobile parts and supplies.

Automobile / truck repair or maintenance (**service station)** - A retail establishment for the lubrication and repairs of automotive vehicles, including tire recapping or sales, engine overhaul, and body and fender work.

Automobile wrecking / recycling, junk, and salvage yards - Any area, lot, land, parcel, building, structure or part thereof where waste, discarded or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped or disassembled, including but not limited to inoperable vehicles, machines or remnants thereof, and/or metals, paper, rags, tires, and bottles. The following establishments shall not be considered an Auto Wrecking, Junk, and Salvage Yard when all activity, storage, odor and noise is confined wholly

within an enclosed building.

1. The private, noncommercial storage of inoperable vehicles and remnants thereof
2. Pawn shops; secondhand stores; used furniture stores and public garages.
3. Open sales lots for the sale of new and used motor vehicles and machinery which are in operable condition;
4. Motor vehicle towing services and auto repair establishments which do not store inoperable vehicles for more than 90 days.
5. Accessory storage areas for recyclable items associated with permitted uses.

Available Public Facilities - Means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

Average Illumination -The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.

Balcony - A platform projecting from the wall of a building and surrounded by a balustrade, railing, or parapet.

Bank / financial institution - An institution offering certain financial services, such as the safekeeping of money, conversion of domestic into and from foreign currencies, lending of money at interest, and acceptance of bills of exchange

Basement - The usable portion of a building which is below the main entrance story and is partly or completely below grade.

Bay window - A window that sticks out from the outside wall of a house.

Bed and breakfast inn - Provides accommodations (2 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

Beekeeping - A private or commercial activity where hives are kept on a lot or parcel.

Berm - A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Billboards - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Binding Site Plan (BSP) - A physical plan developed per requirements of chapter 58.17 RCW or local ordinance which allows divisions of land within Commercial or Industrial zones, and manufactured home parks as defined Article 10-4D.

Biosolids - Municipal sewage sludge that is a primary organic, semi-solid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. Biosolids includes materials derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. For the purpose of this rule, semisolid products include biosolids or products derived from biosolids ranging in

character from mostly liquid to fully dried solids.

Block - A parcel of land or group of lots bounded by intersecting streets.

Boat - A small vessel for travel on water.

Bollard - A post of metal, wood, or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Border easement - The areas on curbed roads, between the right-of-way line and the back of sidewalk dedicated as an easement.

Bowling Alley- A recreational use ordinarily in conjunction with food service. A Bowling Alley shall be considered a Restaurant use for the purpose of this code.

Breezeway – A structure for the principal purpose of connecting a main building or structure on a property with other buildings.

Buffer area - A designated area along the perimeter of a wetland, fish and wildlife habitat, or other critical area which is regulated to minimize impacts of adjacent activities and uses from intruding into the aquatic resource.

Building - A structure with a single roof or connected with a roof built for the support, shelter, or enclosure of persons, animals, stored items, mechanical devices, or property of any kind, and permanently affixed to the ground.

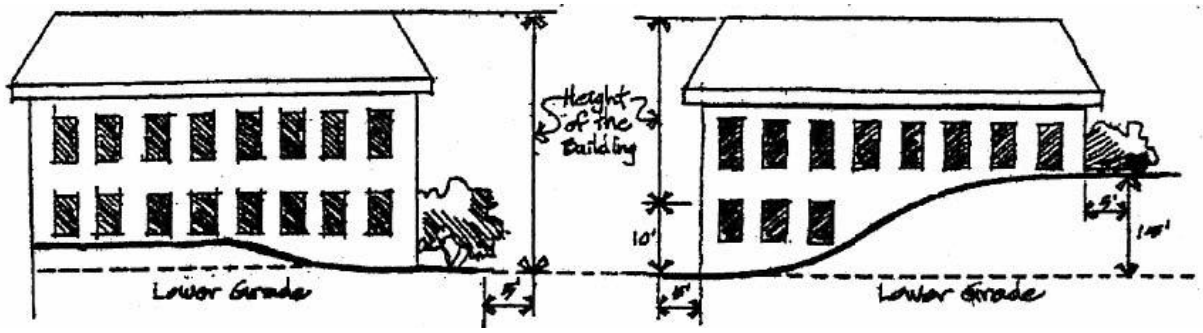
Building envelope - An area where regulated activities and uses are confined.

Building footprint - The outline of a building, as measured around its foundation.

Building height -The vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see Chapter 2):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall conform to the height requirements of the R-1, R-2, or R-3 zones.



Building line - A line established as the minimum distance a building may be located from any property line as determined by the standards of this Code.

Building orientation - The way a building is situated on a lot or parcel and the direction it fronts.

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building pad - A vacant building site on a lot or parcel with other building sites.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Building supply / hardware sales - Retail sales of home improvement products such as plumbing, mechanical, and electrical fixtures, building materials, paint, carpet, kitchen and bath furnishings, and tools.

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

Bulletin Board - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Cafe - A small restaurant where drinks and food are sold.

Camping units -A structure, shelter, or vehicle designed and intended for temporary occupancy by persons engaged in camping or use of a camping unit for recreation. Camping units include but are not limited to recreational vehicles, recreational park trailers, travel trailers and campers, camping cabins, tents, tepees, yurts, and other similar shelters. Camping units such as camping cabins, yurts or other structures constructed on site, which are not subject to the Department of Labor and Industry certification, require a building permit from the City of Liberty Lake. Camping units shall not exceed 400 square feet in floor area and not exceed a maximum height of 15 feet.

Canopy Structure - Any overhead protective structure, which is constructed in a manner to allow pedestrians/vehicles to pass under.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities.

Carnival - A commercial variety show of a temporary nature that includes rides and games for public entertainment.

Car Wash - A place of business equipped for washing cars, trucks, and recreational vehicles.

Category -A land use classification as defined and used within the Comprehensive Plan text that applies policies to designated areas in the City of Liberty Lake as displayed on the Comprehensive Plan Map.

Ceiling height - The clear distance between the floor and the ceiling directly above it.

Cemetery - Land or facilities on such land legally used or planned for use for the preparation for burial and for the burial of the human dead or household pets including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Centerline radius - The radius of a centerline of a street right-of-way.

Child day-care center - A facility that regularly provides care and supervision of minor children for periods of less than 24 hours and that is regulated and licensed by Washington State and constructed, maintained, and operated in accordance with City building and development codes.

Church - An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and quarters on site for nuns and clergy, but excluding facilities for training of religious orders. A single family dwelling (parsonage) is included in this definition with its use for the pastor or caretaker.

Circus - A commercial variety show of a temporary nature that includes animal and/or human acts for public entertainment.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Clustered housing - a group of attached or detached dwelling units, consisting of permitted uses in the underlying zone, designed in such a manner as to make efficient use of existing or planned facilities and which includes not less than 20% common open space around the buildings.

Example Single Family Attached: A-C

Attached single family home with common walls, property line is equal to footprint of the unit resulting in 100% coverage of lot. Open space for this example project would be no less than 60%, minimum may vary.

Code - Development Code of the City of Liberty Lake, Washington as modified by the River District Specific Area Plan.

Co-location - Locating wireless communication equipment from more than one provider on a single structure at a single site.

Collector - Type of street. See Article 10-3G.

College - A public or private institution offering instruction usually in a professional, vocational, or technical field beyond the 12th grade. Also referred to as a university.

Commercial composting storage / processing facility - A solid waste facility which utilizes a controlled biological process of degrading nonhazardous solid waste.

Commercial laundromat / dry cleaning - A business that provides self-serve equipment to wash and dry clothing, linen, etc.; may include dry-cleaning and/or drop-off and delivery service.

Commercial use - Any activity carried out for pecuniary gain or loss.

Commercial Zoning Districts -

RD-C (Freeway Commercial) **-**The RD-C zone designates intensive automobile oriented mixed use commercial areas intended to draw customers from outlying areas. Uses are required to comply with specific design and landscape standards in the River District SAP. The Freeway Commercial zone allows for retail shopping, major commercial areas of regional significance, and office light industry. Additionally, multi-family residential is permitted when it is incorporated into the design of a vertical mixed use building. The RD-C Zone shall not contain more than 152 multi-family units.

Common area - Land commonly owned or protected by easement to include open space, landscaping, or recreation facilities (e.g., typically maintained by homeowners associations as the beneficial owner).

Communications service systems - An industry that deals with the development and service of personal communications, internet protocal (IP), data communication, remote data processing, and other related computer based functions.

Community center / hall - A building and related grounds used for social, civic, or recreational purposes and owned and operated by a corporation, nonprofit group or a public agency serving the area in which it is located. A Community Center may be either private or public.

Community Event - A celebration, fair, festival, or other special event generally recognized by the community and advertised as such. Examples are the Pavillion Park Summer Festival, Easter Egg Hunt, Memorial Day Pancake Feed, Liberty Lake Yard Sale, Barefoot in the Park, Mutt Strut, Winter Festival, harvest or holiday festivals, annual sporting events and fundraisers, etc. that are recognized and advertised in the community and open to the general public.

Community residential facility - Any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for children or adults with physical, developmental or mental disabilities, dependent children or elderly individuals in need of supervision, support and/or independent living training. Does not include: Halfway House, Crisis Residential Center, or Secure Community Transition Facility. May include: specialized group home for the developmentally disabled, group care facility for children, and boarding home.

Community treatment facility - Any dwelling or place licensed, certified or authorized by state, federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway house, crisis residential center or secure community transition facility. May include alcohol and/or drug abuse treatment facilities and adult treatment facilities.

Comprehensive Plan - The Plan Text and future Land Use Map of the City of Liberty Lake, Washington and additional elements as adopted or later amended by the City Council.

Concrete product manufacturing - Establishments primarily engaged in manufacturing concrete products, cement manufacturing, Ready-Mix Concrete manufacturing, concrete pipe, brick, and block manufacturing. This shall not include the manufacture of small artisan concrete products in a fully enclosed building.

Concurrency -Means that adequate public facilities are available when the service demands of development occur. This definition includes the two concepts of “adequate public facilities” and of “available public facilities” as defined above. Facilities serving a development must be in place at the time of development (or for some types of facilities, that a financial commitment is made to provide the facilities within a specified period of time and such facilities have sufficient capacity to serve development without decreasing levels of service below minimum standards adopted in the Capital Facilities Plan (CFP).

Conditional use - A use listed among those in any given zone but permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. See Article 10-4H.

Consensus - Unanimous agreement among participants.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Construction / industrial equipment - A business supplying products and equipment to the manufacturing, commercial, and construction industries.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof.

Courtyard - A court or enclosure open and unobstructed to the sky, located adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Crisis residential center - A protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

Critical aquifer recharge areas - Areas where there is an aquifer that is a source of drinking water that is vulnerable to contamination that would affect the potability of the water (WAC 365-190-030).

Critical areas - Include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. (Defined in 36.70A.030(5) as now or hereafter amended.)

Critical Material - A substance present in sufficient quantity that its accidental or intentional release would result in the impairment on one or more of the beneficial uses of aquifer water. Current beneficial uses of aquifer water include, but are not limited to, domestic and industrial water supply, agricultural irrigation, stock watering and fish raising.

Critical materials use activity - An activity or land use which has been determined to use, transport, or store a critical material.

Cultural Center / Museum -An institution operated by an organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of public exhibition.

Cupola - A dome-shaped ornamental structure located on top of a larger roof or dome, often used as a lookout or to admit light and air.

Curb cut - A driveway or alley opening where a curb drop is provided along a street.

Dangerous Animal Keeping - Harboring and/or owning 1 or more inherently dangerous mammals or reptiles.

Inherently Dangerous Mammal - Any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their nature, may be considered dangerous to humans, and which includes the following.

1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, but not including domestic dogs (Canis lupus familiaris) or wolf hybrids which are a cross between a wolf and a domestic dog.
2. Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (Felis catus).
3. Ursidae, including any member of the bear family, or any hybrids thereof.

Inherently Dangerous Reptile - Inherently dangerous reptile means any live member of the class reptilia which:

1. Is venomous, including, but not necessarily limited to all members of the following families: Helodermidae; Viperidae; Crotalidae; Altractaspidae; Hydrophilidae; and Elapidae; or
2. Is a “rear fanged” snake of the family Colubridae that are known to be dangerous to humans, including but not necessarily limited to, all members of the following families: Dispholidus typus; Thebtornis Kirtland; and Rhabdophis spp.; or
3. Is a member of the order Crocodilia (crocodiles, alligators and caiman).

Day(s) - Shall mean calendar days unless otherwise specified and shall be computed pursuant to RCW 1.12.040 or as amended.

Deciduous - Tree or shrub that sheds its leaves seasonally in the winter.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Degraded wetland - A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

Deli - A shop selling prepared delicatessen (such as salads or cooked meats) and /or artisan food products for either takeout or consumption on-site.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land.

Gross Density - units or lots per acre

Gross Density = Total lots / gross area of the site

Net Density - units or lots per acre minus the area used for public or private right of way, parks, common open space, and any other non-residential use.

Net Density = Total lots / (gross area of site minus the right of way, parks, common open space, and any other non-residential use)

Dependent relative - One who is related by direct blood line, marriage, adoption, or unmarried partner relationship, or court-appointed guardianship and has been determined by a licensed physician to be physically or mentally incapable of caring for themselves and/or their property; and who is over the age of 18. The Planning Director may exercise discretion in determining qualifying relationships.

Design Standards – Statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.

Detention Facility - A public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release, or probationary programs.

Developable - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped.

Development - All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes, land within wetlands, wetland buffers or any other restricted area on a particular piece of property.

Development design standards - Apply to each type of land use (e.g., lot standards, setbacks, building height standards, and use-specific design standards) to provide compatibility between different uses, establish aesthetic considerations, implement planned housing densities, and protect neighborhood character. Design standards also include access and circulation, landscaping, parking, signage, storage, public facilities, surface water management, and property maintenance regulations. (Chapters 2 & 3)

Discontinued / abandoned use - See Article 10-5C- Non-Conforming Uses and Development.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Docketing - compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

Documented habitat: - Habitat where endangered, threatened, sensitive species, or species of local importance have been "documented" or are known to exist as confirmed by state or federal agencies.

Dormer - A gabled extension built out from a sloping roof to accommodate a vertical window.

Dormitory - A building used as group living quarters for a student body or religious order as a normal accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institutional use.

Drip-line - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one line of vehicles.

Drive-up, drive-in, or drive-through components - Driveway queuing areas, windows, and similar facilities for use by clients or customers who drive up and remain in their automobiles while conducting business. A drive-thru window at an establishment, from which business is conducted with clients or customers who drive up to the window and remain in their automobiles.

Driveway - Areas that provide vehicular parking or access to a site, except for public and private streets or alleys. A driveway extends into the site from a public road, private road or alley.

Driveway apron / approach - The edge of a driveway where it abuts a public or private right-of way; usually constructed of concrete.

Drought-tolerant / drought-resistant plants - Plants capable of surviving for extended periods with little or no water.

Dry Line Sewer - A sewer line constructed at the time of property development that is not put into service until the public sewer system is extended to the development. The installation of Dryline Sewers within a development facilitates the simple and straightforward connection of the development to sewer when the public sewer system is extended to the boundary of the development.

Dwelling - A building or portion thereof designed exclusively for residential purposes on a permanent basis as distinguished from a transient basis and which therefore does not include hotels, motels, dormitories, convalescent homes or accessory buildings or structures.

Dwelling, Multi-Family - A building designed for occupancy by 3 or more families living independently of each other within 3 or more separate dwelling units and which do not have separate lots. Shall not include attached Townhomes.

Dwelling, Multi-Family (Low Income) - A multi-family dwelling designed and constructed to primarily serve persons of making less than 80% of median income as defined by the United States Department of Housing and Urban Development.

Dwelling, Single-Family - A building designed for long-term habitation exclusively by 1 family, having complete living facilities, and constituting 1 dwelling unit. This term shall include manufactured homes and mobile homes.

Dwelling, Single Family Attached Townhome - Single-family attached housing (townhome units on individual lots) designed for long-term habitation exclusively by 1 family per unit / per lot, having complete living facilities, and constituting 1 dwelling unit.

Dwelling, Two-Family (Duplex) - A single structure containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other, and neither unit is considered an accessory dwelling unit. To be classified as a duplex, the dwelling units must be connected by a common wall or by a covered carport/breezeway which does not exceed a distance of 20 feet between the two dwelling units.

Dwelling Unit - One or more rooms in a dwelling, which is designed, occupied, or intended for occupancy as separate living quarters, with an individual entrance, cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of 1 family maintaining a household.

Early notice - As used in Article 10-6A of this Code, early notice means the lead agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Eave -The lower part of a roof projecting beyond the wall of a building.

Ecosystem - A dynamic and interrelating complex of plant and animal communities and their associated environment.

Electric Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Electronically Changeable Message Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Emergent wetland - A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.

Evidence - Application materials, plans, data, testimony, and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Erosion - The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil, and/or ice.

Essential Public Facility - Includes those facilities such as airports, colleges, universities, correctional facilities, solid waste stations, sewage treatment facilities, major highways, or freeways, and inpatient facilities, including substance abuse treatment facilities, mental health facilities, and group homes.

Espresso stand - An auto or pedestrian oriented business that dispenses hot and/or cold beverages and may offer take-out food. Espresso stands are required to meet building code requirements..

Exit (Means of Egress) - A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.

Exotic - Any species of plants or animals that are foreign to the planning area.

Exterior Property Area - The sections of residential property which are outside the exterior walls and roof of the dwelling.

Extermination - The elimination of insects, rodents, vermin, or other pests at or about the affected building.

Extraordinary hardship - When the strict application of the provisions of this Code would prevent all reasonable use of the property.

FAA - The Federal Aviation Administration.

Facade – The portion of the front exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

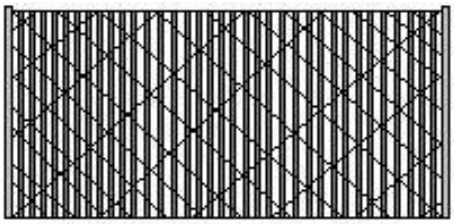
Family child day-care home - A facility within the family living quarters of the provider's residence to provide care and supervision of not more than 12 minor children for periods of less than 24 hours and that is regulated and licensed by Washington State and constructed, maintained, and operated in accordance with City building and development codes.

FCC - The Federal Communications Commission.

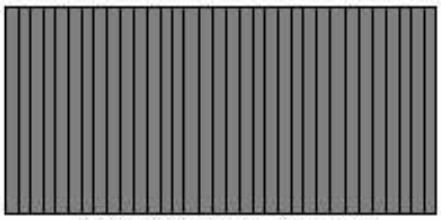
Fence - A wall or a barrier composed of stone, brick or posts connected by lumber, rails, panels, or wire for the purpose of enclosing space marking boundaries, serving as an obstruction or barrier or separating parcels of land.

Fencing, partially sight-obscuring - A fence which provides partial visual separation.

Fencing, fully sight-obscuring - A fence which provides more than 70% visual obstruction, and is used where full screening is needed.



Partially Sight Obscuring Fence



Fully Sight Obscuring Fence

Fire apparatus lane - As defined by the Fire Code.

Fire Station - A building where fire-fighting vehicles and equipment are housed and where firefighters on duty reside.

Fish and wildlife habitat conservation areas - Are defined in WAC-365-190-080 (5) as “fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region.”

Fish and wildlife habitat conservation areas include:

1. Areas with which primarily endangered, threatened and sensitive species have a primary association; and
2. Habitats and species of local importance;
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
4. Waters of the state;
5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or
6. tribal entity; or
7. State natural area preserves and natural resources conservation areas;
8. Wildlife corridors and landscape linkages;
9. Candidate and monitored species;
10. Priority habitats and areas in which priority species have a primary association as identified by the Department of Fish and Wildlife (WDFW) in the priority habitat and species lists; priority habitats as identified by WDFW are areas with one or more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife seasonal ranges, wildlife travel corridors, limited availability and/or highly vulnerable habitat.

Flag lot - A lot or parcel which has access to a road, street, or easement, by means of a narrow strip of lot or easement.

Flashing Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Flood Light -A fixture designed to "flood" a well-defined area with light.

Floor Area - The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

Floor area, livable - The square footage of covered area used, or planned to be used, for living purposes, not including garages, carports, crawl spaces and other generally not lived in spaces.

Floor Area Ratio - The total gross floor area of all buildings or structures on a lot divided by the total lot area. (FAR = total gross building floor area ÷ total lot area).

Footcandle (fc) -A unit of illumination produced on a surface all points of which are one(1) foot from a uniform point source equivalent to one (1) candle in brightness of illumination.

Forecast -The future that is considered most likely to occur.

Forest land -means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW

84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses. (Defined in 36.70A.030(8) as now or hereafter amended.)

Forest practice - Any activity conducted on or directly pertaining to forest land relating to growing, harvesting, or processing timber, including but not limited to:

1. Road and trail constructions;
2. Harvesting, final and intermediate;
3. Precommercial thinning;
4. Reforestation;
5. Fertilization;
6. Prevention and suppression of diseases and insects;
7. Salvage of trees; and
8. Brush control.

Forest practice shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting or incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources (RCW 76.09.020(8)).

Forest practice class 4: As defined by the Forest Practice Act WAC 222-16-030, as now or hereafter amended.

Forested wetland - A wetland area with at least thirty percent of the surface area covered by woody vegetation greater than twenty feet in height and be at least one half acre in size or comprise at least ten percent of the total area of the wetland.

Freestanding Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Frontage - The dimension of a property line abutting a public or private street or auto-court lane as measured at the building setback line.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Comprehensive Plan, by adopted County plans, and Washington State Department of Transportation.

Functions, beneficial functions, or functions and values - The beneficial roles served by wetlands including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

Funeral Home / mortuary - a place where the dead are prepared for burial or cremation or where dead bodies are kept before cremation or burial.

Gable - The vertical triangular wall between the sloping ends of gable roof

Garden Store - A retail store selling flower, plants and general garden supplies to the public. A Garden store shall be considered a General Retail use.

Gas station / convenience store - A gas station is a place that sells gasoline and diesel fuel, may include a convenience store which sells a limited variety of food and pharmaceutical items; open long hours for the convenience of customers.

Geologically hazardous areas - means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. (Defined in 36.70A.030(9) as now or hereafter amended.)

Glare - The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Golf Course - An area with at least 9 holes for playing golf, including improved tees, greens, fairways, hazards, and a driving range. A golf course may include accessory uses such as a clubhouse with related retail sales including a proshop, restaurant / food, and alcohol service.

Governmental Buildings and Uses - Federal, state, county, and municipal buildings of all types and facilities used by public or quasi-public agencies that serve or assist the public.

Grade - The average elevation of the finished ground level at the center of all exterior walls of a building as measured five feet from the exterior wall. In case of any wall that is parallel to and within 5 feet of a lot line, elevation at the lot line adjacent to the center of the wall shall be considered the finished ground level. In the case of any sign, grade shall be measured or determined at the sign support structure(s).

Grading - Excavation or fill or any combination thereof, including but not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

Greenhouse / Commercial Nursery - An establishment where flowers, shrubbery, vegetables, trees and other horticultural and floricultural products are grown both in the open and in an enclosed building for sale on a retail or wholesale basis.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Article 10-3C - Landscaping.

Gun and Archery Range - A facility or area used for archery and/or the discharging of firearms including rifles, pistols, or shotguns, for the purpose of target practice.

Habitable Room (Space). Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable space.

Halfway house - Any dwelling or place licensed, certified or authorized by state, federal or local authorities for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to transition residents back into society, enabling them to live independently.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Hard Surface - A hard surface shall consist of asphalt, Portland cement concrete, crushed rock, grass pavers, or other technologies laid to the specifications set forth by the City Engineer and this Code.

Hazardous Waste - All dangerous and extremely hazardous waste as defined in RCW

70.105.010 (15) as amended, except for moderate risk waste as set forth in RCW

70.105.010 (17) as amended.

Hazardous Waste Storage - The holding of hazardous waste for a temporary period, as regulated by State Dangerous Waste Regulations, chapter 173-303 WAC.

Hazardous Waste Treatment - The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous Waste Treatment and Storage Facility, Off-Site - Treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the off-site facilities may be located. This use is always the primary use of a property.

Hazardous Waste Treatment and Storage Facility, On-Site - Treatment and storage facilities that treat and store hazardous wastes generated on the same property. This activity is always an accessory use to a primary activity on the property.

Hearing Body - The individual, committee, or agency designated by the City Council to conduct public hearing and render decisions on amendments, special permits, conditional uses, appeals, and other matters as set forth in this Code.

High Impact Uses - A business or use considered dangerous and/or noxious due to potential public health, safety, and environmental impacts. This includes uses that generate or cause nuisance, odors, noise, vibration, contamination, chemical exposure/release, and or explosions, including but not limited to the following uses:

1. Battery manufacture and reprocessing.
2. Chemical manufacturing
3. Crude petroleum refinery and storage.
4. Manufacture and processing of wood, coal, mineral, or animal by-products.
5. Gas or diesel manufacture or storage.
6. Smelting of ore or large scale foundry.

7. Stockyards, hog farms, slaughterhouses, and rendering plants.
8. Tanneries.
9. Wood pulp manufacture.
10. Manufacture and storage of explosives or flammables.
11. Mining, rock crushing, asphalt plant
12. Hazardous waste treatment and storage facilities

High Intensity Illumination - Illumination exceeding 500 candela (cd) per square meter, measured at a distance of one meter, as measured with a Photo Research Spectra Spotmeter or equivalent device.

High Occupancy Vehicle (HOV) - A motorized vehicle carrying 2 or more passengers.

High quality vegetative buffer - A wetland buffer comprised of multilevel dense native vegetation including shrubs.

Hip Roof – Sloping roof without gables.

Hive - A manufactured receptacle or container prepared for the use of bees that includes movable frames, combs, and substances deposited into the hive by bees per RCW 15.60.005.

Home occupation - A business, profession or craft, excluding an adult retail use establishment or adult entertainment establishment, carried on within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term. Home occupations are permitted in residential units (dwellings) that are owned by the person operating the home occupation or which is the primary residence of the operator of the home occupation. Home occupations are subject to standards and criteria as may be required in the zone and require administrative approval from P&CD. These uses require approval of a Home Occupation Permit as set forth in Section 10-4I-2.

Horse Boarding - A barn, stable, or other facility where owners or users of the property commercially bathe, train, house and/or feed more than 3 horses or other riding animals which are not owned by the users or owners of the property for more than 24 consecutive hours.

Hospital - An institution licensed by the state agencies under provisions of law to offer facilities and temporary or emergency services in surgery, obstetrics, and general medical practice for human patients who are ill or injured.

Hotel/Motel - A building or buildings in which there are a total of 6 or more guest rooms where lodging with or without meals is provided for compensation. (also includes inn)

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Hydric soil - Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Federal Manual for Identifying and

Delineating Jurisdictional Wetlands.

Hydrophytic vegetation - Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

Ice cream parlor - An establishment which primarily serves ice cream or gelato.

Immediate Danger -Any condition posing a direct immediate threat to human life, health, or safety.

Impervious surface - Development which does not allow for water infiltration (e.g., pavement, roofs, etc.).

Incidental Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Incinerator - A vessel, device, apparatus, or structure designed to burn solid waste under controlled, nuisance-free conditions, and at a relatively high temperature, for the purpose of reducing the combustible components to a nonputrescible residue capable of ready disposal.

Individual Business -One business on one parcel, provided the parcel is not part of a multiple business complex, and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership. Individual business signage may include individual business parcels under the same ownership.

Industrial Zoning District -

> I (Light Industrial) -The I zone allows for industrial uses such as manufacturing, but may incorporate office and commercial uses that support and complement the industrial area.

Infestation - The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to health or property.

Infill - The development of vacant, bypassed lands located in an area that is mainly developed or development or redevelopment of vacant commercial or industrial structures or parcels of land that are already provided with services.

Informational Kiosk - A small structure which provides interpretive information for recreational sites such as map(s), wildlife facts, facility data, and other educational material. Typically found at trailheads, public plazas or other gathering places. Informational kiosk design and materials should complement the adjacent natural surroundings and/or architecture.

Inoperable - When a machine or vehicle does not function as it was originally designed because an essential component(s) has stopped functioning properly, is missing or absent.

Interchange Corridor -The area 1500 feet prior to the ingress and egress points of a complete interchange (east and west bound for the City) on the I-90 right-of-way.

Interior Storage Locker - Storage units used as an accessory use inside a permitted building. Typically found in the basement of apartment complex or mixed use buildings for the use of tenants. Not used as a Self-Service Storage Facility (mini-storage) business.

Interstate 90 Corridor -That portion delineated as being 250 feet beyond either side of the I-90 right-of-way that is between the east and west boundaries of the City.

Isolated wetlands - Those wetlands which are outside of and not contiguous to any one hundred year floodplain of a lake, river, or stream; and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

Junk - Including but not limited to: old or scrap metal, rope, rags, batteries, paper, rubber, machinery, scrap wood, debris, trash, or junked, dismantled, wrecked or inoperable motor vehicles or parts thereof.

Junked vehicle - Any vehicle substantially meeting at least two of the following conditions.

1. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission.
2. Is or appears to be inoperable.
3. Is without a current, valid registration plate.

Junkyard - A property or place of business maintained, operated, or used for storing, keeping, buying, selling, or salvaging junk.

Kennel - A place where 5 or more cats or dogs are boarded, bred, bought, sold, exhibited or trained for compensation, but not including a pet shop, or veterinary clinic/hospital where boarding is incidental to treatment. May include animal shelter.

Kitchen - A room used or designed to be used for the preparation of food.

Lamp - The component of the luminaire that produces the actual light including luminous tube lighting.

Lamp Lumen Depreciation (LLD) -Factor (between 0.0 and 1.0) used to describe how the lamp output changes with time compared to the initial output. Depends principally on lamp type. Typical LLD factors for outdoor lighting types are as follows: metal halide: 0.84, compact fluorescent: 0.85, high pressure sodium: 0.91 and mercury vapor: 0.79.

Land division - The process of dividing land to create parcels or lots.

Land use -The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use district - As used in this Code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscape linkages - A movement corridor in which the complete range of community and ecosystem processes continue to operate through time. Plants and small animals are able to move between larger landscapes over a period of generations.

Landscape supply - The sale of organic and inorganic materials, including but not limited to, soil and soil amendment, bark, sod, gravel, pea gravel, hardscape products, crushed rock, river rock and landscape boulders primarily used for landscaping and site preparation purposes. The exclusive sale of horticultural or floricultural stock that is permitted in a commercial greenhouse or nursery-wholesale shall not be considered “landscape materials.”

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the

preservation, protection, and replacement of existing trees.

Lane -A private road or alley allowing ingress and egress to a parcel of land which may or may not have minimum lot frontage on a public street, road, or right-of-way.

Landfill - A method of final disposal of solid waste by utilizing land in a manner that allows the disposal of solid waste without creating hazards to public health, significant impacts to the environment, or nuisances.

Large-scale retail establishment – A retail establishment (also including grocery stores, auto supply stores, building supply stores, etc.), or any combination of retail establishments in a single building with:

1. a building footprint of fifty thousand (50,000) square feet or more (including outdoor display and sales areas),
2. a gross square footage of eighty thousand (80,000) square feet or more (including outdoor display and sales areas), or
3. multiple retail establishments in separate but abutting buildings, reviewed as one site plan, with a combined building footprint of one hundred thousand (100,000) square feet or more (including outdoor display and sales areas) (also known as "Big-Box" Retail or Superstores).

Lawn area - Any area of a property where lawn grasses are used as ground cover, or any area of a property where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

Lawn grass - Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Chapter 4.

Level of service (LOS) - LOS standards are an indicator of the extent or quality of service provided by a facility that is related to the operational characteristics of the facility. They are a summary of existing or desired public service conditions. The process of establishing level of service standards requires the City to make quality of service decisions explicit. Public services LOS standards are implemented to control the impacts of development and maintain existing City services.

Library - An establishment for the sole purpose of loaning and circulating books or providing a reading room and reference service to the public whether conducted by a public or private agency or whether the service is with or without direct cost to the user.

Light Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Loss Factor (LLF) - Factor (between 0.0 and 1.0) describing light output of a luminaire after losses due to dirt accumulation (Luminaire Dirt Depreciation, LDD) and lamp lumen depreciation (LLD), relative to the output when the lamp and luminaire are new. LLF = LDD x LLD

Light manufacturing & assembly - A light industrial use where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial

plants, jewelry, instruments, computers, electronic devices, and small scale casting and extrusion.

Light Pollution - Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Light Trespass -The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Limited uses - Uses allowed if they comply with the development standards of the zone and meet the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc.

Loading Berth - An off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and which abuts on a street, alley or easement.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with state law.

Lot - A platted or unplatted parcel of land and being in compliance with state and local platting laws.

Lot area - The total surface area (measured horizontally) within the lot lines of a lot.

Lot, buildable - A division of land created in compliance with state and local platting laws of at least sufficient size and lot frontage to meet minimum City Code requirements for use as a building site.

Lot coverage - All areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade.

Lot depth - The horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot front line for purposes of this section shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot side lines with the curved lot front line.

Lot frontage (frontage) -The length of that portion of a lot abutting the public (private) street or auto-court lane providing principal access to the lot.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created.

Lot line, front - A line separating the lot from the street, auto-court lane, or public or private right-of-way. In the case of a corner lot, the shortest continuous line separating the lot from the street, auto-court lane, or public or private right-of-way shall be the lot front line. In case of corner lots having equal lines abutting a street, auto-court lane, or public or private right-of-way, that property line which when extended creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner lot. Where a lot does not abut a public right-of-way, auto-court lane, or street the lot front line shall be the lot line nearest to a street, auto-court lane, or public right-of-way.

Lot line, rear - A lot line that is opposite and most distant from the lot front line. For the purposes of establishing the lot rear line the following shall apply:

1. In the case of a lot with a rear boundary formed by a single line that is parallel to the lot front line, such rear boundary is the lot rear line.
2. In the case of a lot, the rear boundary of which is formed by 2 or more lines, the lot rear line shall be a line 10 feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such a lot.
3. In the case of a trapezoidal lot, the rear line of which is not parallel to the lot front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line.
4. In no case shall the application of the above be interpreted as permitting a main building to locate closer than 5 feet to any property line unless such building portion is below grade with no visible portion above grade.

Lot line, side - Any lot boundary line not a lot front line or a lot rear line.

Lot of record - An area of land designated as a residential lot on the plat or subdivision recorded or registered, pursuant to statute, with the Auditor for Spokane County.

Lot types -

Corner lot - A lot situated at the intersection of 2 or more streets, the street frontage of which lot form an angle not greater than 128 degrees, and not less than 45 degrees.

Interior lot - A lot other than a corner lot.

Lot width - The horizontal distance between the lot sidelines measured at right angles to the line comprising the depth of the lot. Minimum lot width shall be equal to the average for the entire depth of the parcel.

Low-income housing - Housing that is economically feasible for families whose income level is less than 80% of median income as promulgated by the U. S. Department of Housing and Urban Development (HUD).

Low intensity lighting - Lighting not exceeding the equivalent of eight hundred (800) milliamperes* fluorescent tubing space on nine-inch (9) centers, or of exposed neon not exceeding thirty (30) milliamperes. *(approximately equal to a 100 watt bulb) **Lumber mill, sawmill, shingle mill, plywood mill** - A building or collection of buildings with machinery by which the processes of manufacturing of wood products are carried on.

Lumber yard - An outdoor yard where a stock of lumber is kept for sale.

Luminaire -The complete lighting system including the lamp and light fixture.

Luminaire Dirt Depreciation (LDD) - Factor (between 0.0 and 1.0) used to describe how much light produced by the lamp is lost to dirt accumulation and other changes in the optical characteristics of the luminaire, relative to the value when the luminaire is new. Depends on the quality of the luminaire, materials used, maintenance, environment.

Machine shop - Machine shops are engaged in machining metal parts on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled), automatic screw machines and machines for boring, grinding, and milling.

Main / primary entry / entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a

lobby or common interior circulation space, the main entry shall be the entry to an occupied interior space located closest to the street. For multiple building projects, main entrances may be located around a common plaza or pedestrian space.

Maintenance -The work of keeping property in proper condition to perpetuate its use.

Maintained compost area -A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

Maintenance / public works facility - A structure where street and landscape maintenance equipment and supplies, and other public works agency equipment and supplies are stored and where repairs and maintenance is performed on the equipment.

Maneuvering area / aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured home - A single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, and identified as such by appropriate labeling. For the purposes of this Code references to manufactured homes include mobile homes. Manufactured homes shall be considered as single-family dwellings. A manufactured home also:

1. Includes plumbing, heating, air conditioning, and electrical systems.
2. Is built on a permanent chassis.
3. Can be transported in one or more sections with each section at least 8 feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater.

Manufactured Home Park - A site having as its principal use the rental of space for occupancy by 2 or more manufactured homes, and the accessory buildings, structures, and uses customarily incidental to such homes.

Marijuana Processor - a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Producer - a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Marijuana Retailer - a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Massage parlor - A building or structure where persons obtain massage treatment and/or advice or where persons use facilities for nonsexual relaxation purposes.

Medical equipment supply - A business that sells medical equipment to private and public medical facilities or to the general public, retail and/or wholesale.

Medical services -An outpatient facility providing examination and treatment by physicians, dentists and other health care professionals.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., Improvements to a street may be required to mitigate for transportation impacts resulting from development.") Mitigation includes the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

Mixed-Use -A land use pattern where a variety of complementary land uses occupy buildings in close proximity to each other, generally including residential, retail sales and services, offices, recreation, schools, churches and government. Mixed-use areas are intended to enhance opportunities to live, work and meet daily needs with less dependence on auto transportation.

Mixed-Use Zoning Districts -

M-1 (Neighborhood Center) **–** The M-1 zone is the smallest and least intensive mixed-use zone. Neighborhood centers contain a mix of uses such as parks, a transit stop, neighborhood businesses and services, day care centers, churches, and schools. Residential is permitted with a minimum net density of 6 units per acre when associated with other permitted uses. Low-intensity, auto-dependent uses are discouraged and a focus on pedestrian orientation with an emphasis on aesthetics and design is encouraged.

RD-M (Neighborhood Center Mixed Use) - The RD-M zone is a higher-intensity mixed-use zone. Community centers contain a mix of commercial, civic, light manufacturing or industrial, office, residential and recreational uses. Low-intensity, auto-dependent uses with parking between the building and streets are discouraged. On-street and rear lot parking are encouraged to create a pedestrian friendly streetscape. An emphasis on street and pedestrian aesthetics, community gathering and interaction, public art and street fronting building design is encouraged.

M-3 (Central Business District) - The M-3 zone is the largest and most intensely developed mixed-use zone. The CBD is the primary retail, office, social, urban residential, and government center of the city that contains a complimentary and interactive mixture of uses including government offices and facilities, health, human service, and public safety facilities, retail stores and services, professional offices, parks, open space, and plazas, educational opportunities including branch university campuses, entertainment centers, and restaurants. Multi-family and other higher density housing is permitted with a minimum net density of 12 units per acre when associated with other permitted uses. New low-intensity, auto-dependent uses are prohibited and a focus on pedestrian orientation with an emphasis on aesthetics and design is required.

Mobile home - A factory-built dwelling built prior to June 15, 1976, to standards other than the

HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

Mobile sales / concessions - A mobile food service establishment or mobile sales booth operating at a non-permanent fixed location under an approved Temporary Use Permit. Definition does not include espresso stands as defined herein or Solicitors / Peddlers as defined in City Ordinance 96.

Monitoring - A periodic evaluation of a wetlands restoration, creation or enhancement site to determine changes at the site, such as vegetation growth, hydrologic changes, and soil development, use of the site by birds and animals.

Monument Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Mounting Height -The vertical distance between the surface to be illuminated and the bottom of the light source.

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).

Multiple building complex - A group of structures, or a single structure, with dividing walls and separate entrances for each business, housing at least 2 retail businesses, offices, commercial ventures or independent or separate parts of a business which share the same lot, access and/or parking facilities.

Multiple Businesses - Includes businesses that may be located in a single building or in multiple buildings on a single site as shown in figures A and B below.

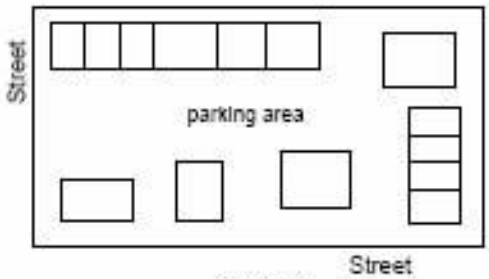


Figure A

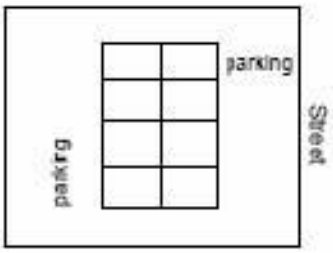


Figure B

Native Vegetation -Plants that have evolved and occur naturally in the Inland Northwest.

Natural resource areas / natural resources - Wetlands, significant trees, steep slopes, flood plains, and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Natural hazard - Natural areas that can cause dangerous or difficult development situations, including steep slopes, unstable soils, landslides, flood areas, etc.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood Retail Cluster- A small mixed use grouping of commercial uses in a pedestrian oriented neighborhood development. The neighborhood cluster will be located within a

residential neighborhood and shall not exceed 25,000 square feet in land area. Adjacent parking will be minimal and focused to the rear of the property or on the street.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to traditional downtown City areas and generally 3 stories or less) and similar neighborhood characteristics. These features are generally smaller in scale and are intended to accommodate pedestrian and bicycle traffic.

Non-conforming - A lot, use, building, or structure, which was legal when commenced or built, but which does not conform to subsequently enacted or amended regulations. See Article 10-5C.

Noxious weeds - Those plants which are non-native, highly destructive, and competitive as defined by RCW 17.10, as now or hereafter amended.

Nursery School - A private agency, school, or institution engaged in educational work with preschool children and in which no child is enrolled on a regular basis for 4 or more hours per day. Enrollment for 4 or more hours per day shall classify the facility as a "Day Care Facility" or "Kindergarten."

Nursing Home - A place licensed by the State Department of Social and Health Services as a "nursing home" or institution which operates or maintains facilities providing convalescence and/or chronic care for a period in excess of 24 consecutive hours for 3 or more patients who are not related to the operator by blood or marriage and who by reason of illness or infirmity are unable to properly care for themselves.

> Convalescent home / assisted living and alzheimer's facilities - A residential facility licensed by the State or County to provide special care and supervision to convalescents, invalids, and/or aged persons, but where no persons are kept who suffer from mental sickness or disease or physical disorder or ailment which is normally treated within sanitariums or hospitals. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding and other personal services.

Occupant. Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

Office, business/professional/medical/dental or government - Uses that are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, dental, or financial services, but shall not include retail commercial use or industrial use except for accessory retail use provided it is clearly incidental and subordinate to the office use.

Off-street parking - All off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of the River District SAP.

On-Premise Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See also, Article 10-3D.

One Hundred (100)-Year Flood Plain - An area determined by the Federal Emergency Management Agency (FEMA) or by the City of Liberty Lake to have a 1% chance of flooding in any given year.

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership (by fee title or restricted easement) within the development or to the public specifically for the purpose of providing places for recreation, conservation, or other open space uses. The area of a lot or building site that is free and clear of buildings and structures.

Open Space and Recreation Zoning District -

> O (Open Space and Recreation) **-**The O zone allows for open area spaces and recreational uses such as public/ private parks, preserves, and trails, as well as public and privately owned facilities such as golf courses. Local and regional recreation opportunities are included within this zone. The zone promotes the conservation of public and private sensitive or critical natural resource areas and areas of local interest as open space.

Open water component - Wetlands having any areas of standing water present for more than one month at any time of the year without emergent, scrub-shrub, or forested vegetation. Open water includes any aquatic beds.

Orchard - A planting of trees producing fruit and/or nuts for the purpose of cultivation or sale.

Ordinance - The ordinance, resolution, rules, or other procedure used by agencies to adopt regulatory requirements.

Ordinary high water mark - That mark on streams, lakes or water bodies that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in normal years, as to mark on the soil a character distinct from that of the abutting upland in respect to vegetation.

Orientation - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Oriented to a street - See Orientation.

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Outdoor Light Fixtures -Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Outdoor vehicle storage - An area that is leased or rented on an individual basis and used for the storage of automobiles, recreational vehicles, and boats.

Overlay zone - Overlay zones provide regulations that address specific subjects that may be applicable in more than one zoning district. Requirements described in the Code text which exist in conjunction with another zone and which relate to the official zoning map. Developments within such an area must conform to the requirements of both zones unless otherwise specified. In the event of inconsistencies, the most restrictive requirements shall control. (also see Specific Area Plan Overlay District)

Owners - Any person, partnership, corporation, association, unincorporated organization, trust or any other legal commercial entity having sufficient proprietary interest to seek development of land. This includes an agent or representative with written owner authorization. The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

Parapet – The portion of a wall that extends above the roofline.

Parcel - A parcel is a unit of land that is created by subdividing land. See also, Article 10-4D.

Parks & recreation - Land intended for public use and enjoyment that may include any or all of the following:

1. Walkways or trails for motorized or non-motorized use, including winter activities.
2. Drives/roads and vehicular parking areas.
3. Formal and informal picnic areas, including shelters and cooking facilities.
4. Restrooms/showers facilities.
5. Athletic playing fields, including baseball, football, basketball, and/or soccer.
6. Playground structures/equipment.
7. Informal play areas.
8. Plazas
9. Environmental education/interpretation facilities.
10. Swimming facilities, including beaches and pools.
11. Boat launches, moorage docks, and parking areas.
12. Bank fishing areas and fishing piers/docks.
13. Natural and/or cultural resource preservation areas.
14. Fish and wildlife habitat management areas.
15. Support facilities directly related to the operation and maintenance of a park including staff offices, maintenance work, storage areas, and staff/public meeting space.
16. Winter recreation areas, including downhill, Nordic and cross-country skiing, snowmobiling, and ice-skating.

Parking structure - A structure used for the specific purpose of parking or storage of motor vehicles for compensation and/or to accommodate the patrons of the establishment providing said parking structure; establishments providing such facilities include industrial, manufacturing, commercial, recreational, office, institutional, and residential uses.

Parking lot perimeter - The boundary of a parking lot area which may contain a landscaped buffer area.

Parking lot travel lane - Privately owned lanes for vehicles to travel through parking lots to parking stalls, loading areas, public roadways, and other adjacent public or private parking lots.

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Participant and spectator sports facilities - Participant sports and recreation use in which the sport or recreation is conducted within an enclosed structure or an outdoor facility. Examples include but are not limited to bowling alleys, roller and ice-skating rinks, dance halls, racquetball courts, videogame parlors, water parks, baseball and football stadiums, racetracks, and arenas. Small scale sports facilities having a building square footage of less than 10,000 square feet. (Definition does not include sports facilities that are an accessory use to a public or private school)

Party of Record - A person who testified at the public hearing on a land use application or submitted substantive written comments on the application before the hearing record was closed.

Pedestrian Oriented Development – Development designed with an emphasis primarily on the streetscape design; sidewalk and pedestrian access to the site; and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.

Pedestrian Walkway – A surfaced walkway for pedestrian use that is separate from the traveled portion of a public right-of-way. Within private developments the walkway may be included within or may be separate from the parking lot / driving aisle.

Permanent Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Permitted Use - An activity or use so designated in any given zone, and which may occur without special action by the Hearing Body, subject to development and performance standards of the zone in which it is located.

Person - A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Personal care services - Barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, tanning and fingernail salons.

Pharmacy - A place where drugs and dry goods are sold.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Pillars / posts - A tall cylindrical vertical upright which may be used to support a structure.

Placeholder - An area designated by the Washington State Department of Health to hold the place of a wellhead protection area for a well until completion of the wellhead protection plan.

Planned Unit Development (PUD) - A land development project planned comprehensively as an entity through a design process prescribed by ordinance that permits some flexibility in the regulations of the underlying zone.

Planter strip, tree cut-out - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plastic injection molding - The process of forming a material by forcing it from a heated cylinder, under pressure into the cavity of a confined mould.

Plat - A map of a subdivision, prepared as specified in this Code and in accordance with RCW 58.17, and recorded with the Spokane County Assessor's Office. All plats shall also conform to Article 10-4D - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre.

Police station -A public safety facility staffed by law enforcement officers and support staff that respond to hazards to the public health and safety.

Pollution - Such contamination, or other alteration of the physical, chemical, or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

Porch - A structure attached to the exterior of a building often forming a covered entrance.

Portable Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Portico – A porch or walkway with a roof supported by columns, often leading to the entrance to a building.

Post Office - An independent agency of the federal government responsible for mail delivery (and sometimes telecommunications) between individuals and businesses in the United States and the facility that houses post office personnel.

Power plant - A facility that generates electricity from mechanical power produced by gas, coal, water, nuclear fission, etc.

Practical alternative - An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary - The largest or most substantial element on the property, as in "primary": use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Primary drainage basin - The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries.

Printing, reprographics, bookbinding, and graphic services - The business of printing, copying, graphic production, or binding of books, or similar activities.

Priority habitats and species - A fish or wildlife habitat or species that has been identified by the Washington State Department of Fish and Wildlife in the Priority Habitat and Species Program or by the City of Liberty Lake as a species of local importance.

Prison / correctional facility - A correctional institution where persons are confined while on trial or for punishment.

Private Off-premises Directional Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Prohibited use - A use not specifically enumerated as a permitted use, limited use, conditional use, or nonconforming use. Prohibited uses include, but are not limited to, the enumerated "not permitted uses" within each zone of this Code.

Project Permit / Project Permit Application - See Chapter 4.

Projection -A conditional statement about the future based on a set of assumptions.

Public Assembly - The gathering of public or private groups for civic, educational, political, religious, or social purposes upon any public right of way or public property including but not limited to streets, schools, public parks and public facilities. "Public assembly" does not include gatherings of public or private groups on private property, including Homeowner Association owned and maintained parks, open space or buildings, unless required by the Building or Fire Code. A public assembly permit must be obtained prior to holding a "public assembly".

Public facilities - Includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. See Article 10-3G.

Public improvements - Development of public facilities. See Article 10-3G.

Public right of way - Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use. Land that is owned in fee simple by the public, usually for transportation facilities.

Public and Semi-Public Institutional Zoning District -

> P (Public and Semi-Public Institutional) **-**The P zone provides for large and moderate scale governmental uses, special districts, and semi-institutional uses.
>
> The zone allows for the specialized needs of providing public services to the City of Liberty Lake.

Public services - Includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

Public transit facility - A bus transfer area or facility located at major points providing passenger access to routes and adjacent activities. Includes bus shelters and transit "park and ride" facilities.

Public utility - A closely regulated public or private enterprise with an exclusive franchise for providing a public service paid for directly by the recipient of that service.

Public utility local distribution facility - Any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric (less than 60 feet in height), gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public utility.

Public utility transmission facility - Any building, structure, or device which does not directly transfer to the public the service or supply provided by a public utility, including telephone, electric (greater than 55,000 volts or 55 KV), gas, cable television, water and sewer, and all other facilities, equipment, and structures, including substations, switching stations, and reservoirs.

Publicly owned treatment works (POTW) - A treatment works treating domestic sewage that is owned by a municipality, a county, the state of Washington, or the federal government.

Qualified biologist - The holder of a four-year degree in biology with an emphasis in fish and wildlife biology from an accredited university and at least two years field experience evaluating land use impacts on fish and wildlife species and their habitats.

Qualified erosion or landslide specialist - An individual or team that has both the academic qualifications and field experience to implement the provisions of Chapter 6.

Qualified geologist - A Washington State licensed geologist or hydrogeologist, or a geologist from another state with an equivalent license recognized by the state of Washington.

Qualified wetlands specialist - The holder of SWS (Society of Wetland Scientists) certification or has the equivalent in academic qualifications and field experience for making competent wetlands delineations and reports and recommendations necessary to implement the provisions of Chapter 6.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See Chapter 4.

Readerboard - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Record - The official file, exhibits, maps, and slides including the tape-recorded or video proceedings or transcription thereof.

Recreational Vehicle (RV) - A vehicular type portable structure without permanent foundation primarily designed as temporary living quarters for recreational, camping, or travel use, with or without motor power, and occupied in any one place for a period not exceeding 30 days. This includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park/Campground - An area where facilities are provided for camping units as defined herein, utilized by the public for camping for recreation on a temporary basis and not designed for long term occupancy. The recreational vehicle park/campground may include recreational services, facilities, and activities for utilization by the public that are typical and ordinary to the recreational vehicle park/campground industry. Recreational vehicle park/campgrounds shall comply with all applicable State and City codes.

Recycling collection center - A municipally or privately owned and/or operated area with a structure or vehicle, the main purpose of which is to hold recyclable materials, prior to transport to a central collection location (commercial composting storage / processing facility). Recycling collection centers collect only ferrous metals, aluminum, glass, plastics, paper, and other reusable, non-hazardous items. The recycling collection center is not a sanitary landfill, garbage, and refuse dump, or recycling plant.

Regulated activity - Any of the activities which are directly undertaken or originate in a wetland or its buffer.

Repair - The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance. To restore a development to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the resource or environment; maintenance means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Research facility / laboratory - A facility used for the purpose of research and investigation aimed at the discovery and interpretation of facts or the collecting of information about a particular subject.

Residence - Same as “dwelling”.

Resident - Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

Residential Zoning Districts -

R-1 (Single-Family) - The R-1 zone provides for single-family homes in support of established residential neighborhoods and a minimum net density of 4 units per acre is required. Zero lot-line housing and other incentives are permitted to promote infill, preservation of open space, and a variety of housing types and densities.

RD-R (Mixed Residential) - The RD-R zone provides for a moderate increase in density using a variety of urban housing types and designs. This design oriented designation promotes residential renewal to small-lot single family homes, townhouses, duplexes, and

apartment buildings. The mix of housing may take a variety of forms, either mixed within a single site or mixed within a general area, with varied dwelling types. The RD-R zone also provides for the development of small “Neighborhood Retail Clusters” in a pedestrian oriented development pattern.

R-3 (Multi-Family) - The R-3 designation provides for a variety of medium to high density housing types and designs. The designation incorporates a combination of urban design elements to enhance the living environment while integrating the housing into a neighborhood or neighborhood business district. Urban design elements such as private and public open space, pedestrian orientation and connections, and security are integrated into the housing to create a high standard of community cohesion and character. Developments within this designation shall have a net density of no less than 12 units per acre.

Restaurant - Commercial establishments where meals are prepared for take-out or served to customers on premises and may include a social or entertainment setting. (also see cafe, deli, and ice cream parlor)

Retail Sales / Use (General Retail) - Location where products such as clothing, shoes, household goods, furniture, gift, flowers, toys, office supplies, electronics, food and commercial services (such as insurance, financial, design, and real estate) are displayed and provided to the public. Definition does not include adult entertainment or adult retail use establishments as defined herein.

Retaining Wall - Any wall not an integral part of a building that is used to resist the lateral displacement of earth material.

Retirement/Elderly Apartments (Low Income Subsidized) - A retirement/elderly apartment developed and owned by a nonprofit sponsor who receives a direct funding loan from HUD-FHA or some other agency and where rents are subsidized by HUD-FHA or some other agency based upon low-income status.

Ridge line (building) - The top of a roof at its highest elevation.

Riparian wetlands - The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

Roof - A structural covering over any portion of a building or structure, including the projections beyond the walls or supports of the building or structure.

Roof pitch - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

Roof Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Sandblasting / cutting - A system of cutting or abrading a surface such as concrete by a stream of sand ejected from a nozzle at high speed; compressed air is used to propel a stream of wet or dry sand onto the surface; often used for cleanup of horizontal construction joints or for exposure of aggregate in architectural concrete; a method of scarifying the surface of concrete or masonry to provide a bondable surface; used to clean metal before painting.

Schools; Kindergarten, Elementary, Middle, Junior High, and High - Public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the State of Washington.

Screen – The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views.

Scrub-shrub wetland - An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height as the uppermost strata.

Secure Community Transition Facility (SCTF) - Any dwelling or place licensed, certified or authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment. May include: secure community housing unit operated by the Department of Social and Health Services and secure community housing unit operated by a contractor on behalf of the Department of Social and Health Services.

Secure Residential Treatment Facility - Any dwelling or place licensed, certified, or authorized by state, federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court ordered civil commitment. May include: secure community housing unit operated by the Department of Social and Health Services and secure community housing unit operated by a contractor on behalf of the Department of Social and Health Services.

Self-Service Storage Facility (mini-storage) - A facility including buildings and/or structures containing spaces of varying sizes leased or rented on an individual basis and used exclusively for the indoor storage of excess property.

Senior housing - Housing (single family detached or attached and multifamily for sale or rent) that is designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

SEPA rules - Chapter 197-11 WAC adopted by the WA State Department of Ecology.

Serviceable - Presently usable.

Setback - The distance between a building (or other feature of development) and a property line, right-of-way, auto-court lane, or street. Minimum and maximum setbacks may be required for front, flanking, side, and rear yards. In attached single family clustered housing configurations, the front setback shall be only for the single building elevation that is nearest to the right-of-way, auto-court lane, or street. Flanking street setbacks for attached single family clustered housing configurations shall similarly be from the right-of-way, auto-court lane, or street to the adjacent building elevation. Clustered housing buildings can contain multiple units located on individual lots (i.e. townhomes).

Sewage sludge - The concentrated deposit, sediment, or mass resulting from the treatment of sewage, including materials pumped from cesspools, septic tanks, sewage holding tanks and drywells.

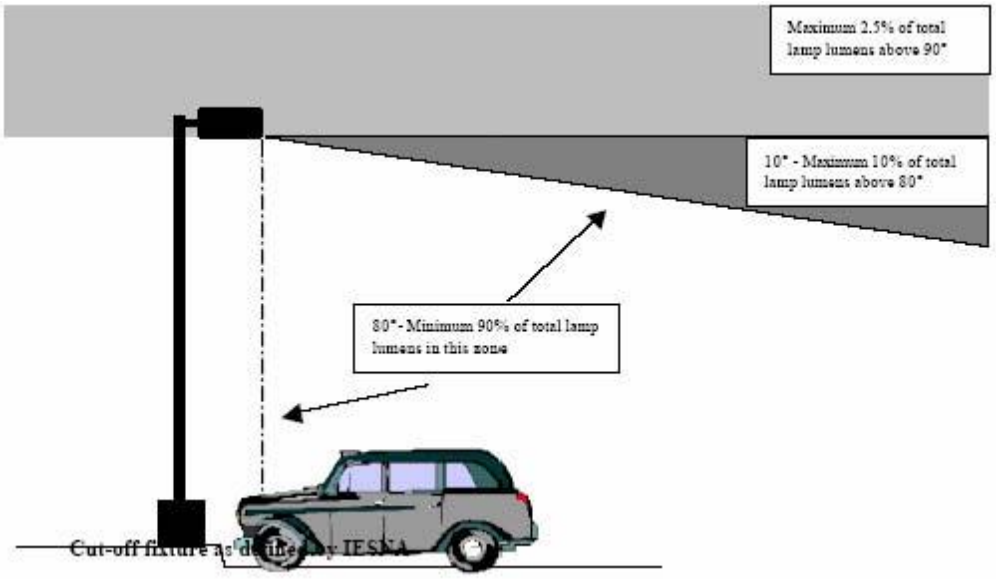
Sewage treatment plant - A facility for receiving and treating sewage from the city sanitary sewer system.

Shall -As used in this Code, is mandatory.

Shared driveway - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose. See Article 10-3B.

Shared parking - See Article 10-3D.

Shielded Fixture -Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. a shoebox-type fixture or a cutoff fixture as defined by the Illuminating Engineering Society of North America. The fixtures almost always have a flat, horizontally oriented lens and opaque (usually metal) sides. A luminaire mounted in a recessed fashion under a canopy or other structure so that the surrounding structure effectively shields the light in the same manner is also considered fully shielded.



Shopping centers - Two or more individual stores, in the same building or attached buildings, with an area greater than 25,000 gross sq. ft.

Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Significant trees, significant vegetation - See Article 10-3C.

Site - A property (or group of adjacent parcels or lots under the same ownership) where activities are proposed, performed, or permitted and that is subject to a permit application under this Code.

Site design review, development review - See Article 10-4C.

Small Scale - Agricultural or gardening activities that are not commercially viable.

Solid waste -All putrescible and nonputrescible solid and semisolid material, including, but not limited to, garbage, refuse, bulky wastes, inert waste, agricultural solid waste, sewage sludge, and demolition and construction wastes.

Solid waste transfer site - A municipally or privately owned and/or operated area with a structure or vehicle, the main purpose of which is to hold solid waste, prior to transport to a central disposal or collection location (commercial composting storage / processing facility). The solid waste transfer site is not a sanitary landfill, garbage, and refuse dump, or recycling plant.

Special Uses - A regional land use, not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. A special use permit may be granted by the Hearing Examiner subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. These uses require approval of a Special Use Permit as set forth in Section 10-4I-3.

Specialized / vocational / trade school - A vocational or university extension school used for post-secondary education or training in specific trades or fields such as business marketing and development, fine arts, etc.

Specific Area Plan Overlay District - Describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan or zone map. The area covered by a specific plan can include multiple parcels and land owners, or a single large parcel. (see Article 10-2M)

Specified anatomical areas - Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered. This definition shall also include human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities - Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Sports Bar - A sports related entertainment facility that contains a full service restaurant with a separate tavern / pub area, for use by customers 21 years of age or older. May contain pool tables, shuffleboard, arcades, and other small-scale indoor recreation areas and various types of gaming activities as permitted by the Washington State Gambling Commission as a secondary use to the primary restaurant / tavern.

Spot Light - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Stagnant Water - Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48 hour period.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Stealth - Any Wireless Communication Antenna Array or Wireless Communication Support Tower, which is designed to blend into the surrounding environment. Examples of stealth may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and wireless communication support towers designed to look like trees, clock towers, bell steeples, light poles or flag poles.

Steep slopes - Slopes of greater than 15 percent depending on soil conditions.

Storage vs. parking - Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use. Parking is the area used for leaving motor vehicles for a temporary time.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Stormwater drainage facility - Constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, evaporate, divert, treat or filter stormwater. Stormwater facilities include, but are not limited to, pipes, ditches, culverts, street gutters, detention ponds, retention ponds, evaporation ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and swales.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of a topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet

above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Street / road - A public or private way for travel by vehicles, bicycles, and pedestrians that meets the River District SAP standards in Article 10-3G.

Streetscape – All elements of a development or area that are in view from other points along a street.

Street access - See Article 10-3B & Article 10-3G.

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street, flanking - One of the two streets abutting a corner lot that is not parallel with the lot front line.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street, local access - Street classification per the River District SAP, as approved by the City Engineer.

Street, public (private) - A public or private thoroughfare which affords primary means of access to abutting property and whose legal description of is recorded with the County Auditor. A recorded private thoroughfare may be a recorded easement for ingress or egress or a platted street designed as a private thoroughfare for access of abutting property but for which the City assumes no responsibility or ownership. The private road easements and road maintenance agreements shall meet the requirements of the adopted public or private road standards for the City of Liberty Lake, as amended. The private road easements and associated maintenance agreement shall be recorded with the County Auditor prior to final subdivision.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out that conforms to set standards.

Structure - Any object constructed or erected which requires location on or in the ground or is attached to something having a location on the ground (including towers, smokestacks, overhead transmission lines, captive balloons, etc.) but not including fences, retaining walls, signs or walls used as fences less than 6 feet in height. Excluded from this definition are accessory storage structures for the sole purpose of the owner or occupant less than 120 square feet in area not specifically permitted or prohibited by this Title or written interpretation thereto. Also excluded are docks and piers, but which may still be governed by the City's Shoreline Program. (See also Wireless Communication Antenna Array and Wireless Communication Support Tower.)

Subdivision - Within this Code, includes both short subdivisions and long subdivisions defined within Article 10-4D.

Subject property - The site where an activity requiring a permit or approval under this ordinance will occur.

Support Structure(s) - Posts or columns and their anchors and bolts that structurally support the sign attached to it.

Swale - A type of storm water facility. Usually a broad, shallow depression with vegetation that filters and processes contaminants.

Tangent - Meeting a curve or surface in a single point.

Tavern / pub - An establishment licensed for the sale and consumption of alcoholic drink for use by persons 21 years of age or older.

Telemarketing centers / catalog and mail order houses - A call center that has the ability to handle a considerable volume of calls at the same time aided by computer automation. Call centers are used by, but not limited to, internet and catalog retailers, and telemarketing companies.

Temporary construction & sales office - A temporary structure used as an office or job shack during the construction of buildings at a given location or as a temporary marketing center. May include a permanent structure that is temporarily being used for the above activities.

Temporary Use - A use approved for location on a lot for a period not to exceed 90 days within a calendar year with the intent to discontinue such use after the time period expires. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses are subject to standards and criteria as may be required in the zone and require administrative approval from P&CD. These uses require approval of a Temporary Use Permit as set forth in Section 10-4I-1.

Terrace - A porch or promenade supported by columns, or a flat roof or other platform on a building.

Theater - A building designed for the performance of plays, operas, etc.: a large room or hall, usually with a raised platform and tiered seats for an audience, used for lectures, film shows, etc. Definition does not include adult entertainment or adult retail use establishments as defined herein.

Tire salvage yard - Any area, lot, land, parcel, building, structure or part thereof where waste, discarded or salvaged tires are exchanged, handled, bought, sold, stored, chipped, shredded or dumped. Outdoor storage of up to 800 tires and the storage of up to 1800 tires inside an enclosed building or semi trailer, as an accessory use to a permitted business use, shall not be considered a tire salvage yard.

Title Notice - A document recorded with the County Auditor for the purpose of disclosure of important information, special conditions, restrictions, and/or circumstances that affect the property to a purchaser, lender, and others.

Tool / die making - The industrial art of manufacturing stamping dies (a cutting tool that is fitted into a diestock and used for cutting male (external) screw threads on screws or bolts or pipes or rods, plastics molds, and jigs and fixtures) to be used in the mass production of solid objects device used for shaping metal

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Tower -A structure not enclosed with exterior walls and which extends more than 75 feet above grade or which exceeds the maximum building height for the zone in which it is located. Public utility structures used for the distribution or transmission of electricity are excluded from this definition, but structures used for production of energy are included (e.g. wind tower). Structures less than the above-stated height standard shall be considered accessory

structures. Does not include: Wireless Communication Antenna Array or Wireless Communication Support Tower.

Tower, Private - A structure less than 75 feet in height above grade used for two-way communication for hobby or emergency service purposes by private individuals. Does not include: Wireless Communication Antenna Array or Wireless Communication Support Tower.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Trailer - A wheeled vehicle that can be pulled by a car or truck and is equipped for occupancy.

Transportation facilities - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex - A building with three attached housing units on one lot or parcel.

Ultralight vehicle - A vehicle that meets the Federal Aviation Administration specifications for an ultralight vehicle.

Uniformity - In outdoor lighting, uniformity is a measure indicating how evenly light is distributed across a surface. Typically the measure is expressed as a ratio of one value to another, such as average to minimum, or maximum to minimum. Using ratios, perfect uniformity would be 1:1.

Urban Growth Area (UGA) - Areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature as defined in RCW 36.70A.030(18).

Use - The purpose for which land or building is arranged, designed, or intended, or for which either is or may be occupied or maintained.

Utilities - Enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative (Class A Variance) or quasi-judicial (Class B Variance) decision to lessen or otherwise modify the requirements of this Code for a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located. (See Article 10-5B).

Vegetative classes - Certain types of wetlands as defined by the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979, or hereinafter amended), and must be at least one-half acre in size or comprise at least ten percent of the entire wetland.

Vehicle - An item which is designed to transport objects, merchandise, other articles, or persons from one point to another whether the item (vehicle) is operable or inoperable. Does not include manufactured or mobile homes.

Vernal wetland system - Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

Video Board - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Vision clearance area - See Section 10-3B-2, subsection N.

Wall Sign - Refer to City Development Code Definitions and Article 10-3E Signage Standards.

Warehouse and freight movement - A place for the storage and/or distribution of goods or merchandise. Does not include manufacturing or sale of goods.

Water dependent: - A use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations; such as, but not limited to bridges, marinas, dams for domestic/industrial water supply, flood control, and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices.

Welding / sheet metal shop - A facility where material is processed by machining, cutting, grinding, welding, or similar processes.

Wetland(s) - Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (Defined in RCW 36.70A.030(20) as now or hereafter amended.)

Wetland banking - The off-site created, restoration, and/or enhancement of wetlands to compensate for unavoidable wetlands impacts associated with development. The newly created or restored site functions as a “bank” which can issue credits to compensate for future wetland impacts.

Wetland buffer or wetland buffer area - An area that surrounds and protects a wetland from adverse impacts to the functions and values of a wetland. The buffer width shall be determined according to the rating assigned to the wetland in accordance with Section 10-6B-3. Buffer width is measured outward from the wetland boundary.

Wetlands Delineation Manual - The 1987 U.S. Army Corps of Engineers Wetland Delineation Manual used in conjunction with the “Washington Regional Guidance on the 1987 Wetland Delineation Manual” dated May 23, 1994, as amended or any other wetlands delineation adopted or recommended for use by the Washington State Department of Ecology.

Wetlands of local significance - Wetlands evaluated by established criteria and given a higher designation as either class 1 or class 2 wetlands.

Wetlands permits - Any permit, modification, revision, or variance issued, conditioned or denied pursuant to Section 10-6B-3.

Wetland types - The wetland classes or subclasses of the wetlands taxonomic classification system described in the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (Cowardin et al., 1979 or hereinafter amended).

Wholesaling / distribution facility - Engaging in trade or sale by the piece or large quantity; selling to retailers or jobbers at a reduced price, rather than to consumers. The act or process of distributing; does not include manufacturing of goods.

Wildlife corridor - A landscape feature that facilitates the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic, including frequent foraging movements, seasonal migrations, or the once in a lifetime dispersion of juvenile animals. These are transitional habitats and need not contain all the habitat elements required for the long-term survival or reproduction of its migrants.

Window hood - An architectural detail placed above a window, used as an accent.

Window trim - Architectural decoration that surrounds a window.

Winery / Microbrew - A facility devoted to one or more activities related to making, ageing, bottling, storing, and/or serving of wines or beers.

Wireless communication antenna array - Telecommunications equipment that consists of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). Does not include tower or tower, private.

Wireless communication support tower - A structure that supports a platform and cellular antennas / telecommunications equipment, that complies with the requirements of this paragraph and that is part of a cellular system authorized by the Federal Communications Commission. May include an auxiliary building housing electronic and communication equipment.

Woodworking / cabinet manufacturing - A facility for the custom making, repairing, or refinishing of furniture or wood products.

Xeriscaping - A patented name for water conservation through creative landscaping, which includes appropriate planting and design, soil improvement, efficient irrigation, drought resistant turf, appropriate plant selection, use of mulches, and maintenance.

Yard - The area defined by setbacks (i.e., between the setback line and respective property line).

Yards, Types and Measurements

1. Front Yard - An area extending across the full width of a lot and lying between the lot front line and that portion of a proposed or existing building or structure on the lot closest to the lot front line, or between the lot front line and the required front yard depth in each classification when no building or structure exists or is proposed. The front yard is generally recognized by location of the main entrance to the building and/or orientation to the primary street. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case

of a curved lot front line. Any lot extending between 2 nonintersecting streets shall be deemed to have front yards on both streets regardless of building orientation.

2. Rear Yard - An area extending across the full width of the lot and lying between the lot rear line and that portion of a proposed or existing building or structure closest to the lot rear line, or between the lot rear line and the required rear yard depth in each classification when no building or structure exists or is proposed. "Rear yards" shall be measured by a line at right angles to the lot rear line, or by the radial line or radial line extended in the case of a curved lot area line.
3. Side Yard - That area of a lot, unoccupied, which is neither a front yard, a rear yard, nor a flanking street yard.
4. Flanking Street Yard - Unoccupied area of a lot which is conterminous with a flanking street, bounded by the front yard and rear yard and the flanking street yard depth, usually on a corner lot.

Youth Camp - The use of a site for indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

Zero-lot line (single family courtyard home) - Zero-lot line houses are single family houses without a side yard setback on one side of a typical lot. This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards.

Zone - A portion of the City of Liberty Lake designated on the official zoning map and established for the purpose of promoting orderly and efficient development of land compatible with surrounding areas and the Comprehensive Plan.

Zoological Park - Any facility other than a pet shop, circus, or kennel displaying, exhibiting or keeping (one or more) species of animals. Domestic pet shows or farm displays of domestic animals are excluded from this definition.

Article 10-1D — Enforcement

Sections:

10-1D-1 Provisions of this Code Declared to be Minimum Requirements

10-1D-2 Violation of Code Prohibited

10-1D-3 Penalty

10-1D-4 Complaints Regarding Violations

10-1D-5 Inspection and Right of Entry

10-1D-6 Abatement of Violations

10-1D-7 Notice of Violation

10-1D-8 Notice of Violation - Administrative & Judicial Appeals

10-1D-9 Emergency Order

10-1D-1 Provisions of this Code Declared to be Minimum Requirements

A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare

B. Most restrictive requirements apply. When the requirements of the River District SAP vary from other provisions of the Liberty Lake Development Code or with other applicable development standards, the River District SAP standards shall govern, with the exception of life-safety issues.

10-1D-2 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

10-1D-3 Penalty

A. Responsible party. Person(s) having charge, care, or control of the violation or those engaged in doing such work or causing such work to be done that is in violation of this Code. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction. The City may pursue such remedies as outlined in this section or any remedial action as may be allowed by state law including abatement of the violation. The City may exercise the remedies under this Code or state law concurrently or sequentially against any person violating this Code.

C. Class 1 civil infraction and/or abatement. Any person who violates any provision of this Code shall be found to have committed a class one (1) civil infraction and be assessed a monetary penalty in accordance with Chapter 7.80 of the Revised Code of Washington and

Title 1, Chapter 4 of the Liberty Lake Municipal Code which allows for a two hundred fifty (250) dollar fine for each day that the violation occurs, not including statutory assessments. The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service to the responsible party. The City attorney on behalf of the City of Liberty Lake may collect civil penalties and abatement work costs by use of all appropriate legal remedies including a lien(s) against the property as joint and separate personal obligations of any person in violation. If penalties or costs are not paid, the P&CD Director or the City attorney shall cause a claim for lien to be filed for record in the Spokane County auditor's office within ninety (90) calendar days from the date the civil penalty was imposed or within ninety (90) calendar days from the date of completion of the abatement work performed pursuant to this chapter.

D. Citations. The Liberty Lake Police Department, at the request of the Director of Planning & Community Development, may issue citations for the following:

1. Whenever a violation threatens the health and safety of the occupants of the premises or property, any member of the public, or the environment, the Director may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety or threat and harm to the environment be corrected immediately. If the threat is not corrected the Director may order the issuance of a citation to the responsible party.

2. Whenever the responsible party fails to act on a Notice of Violation and a continued violation of this Code occurs or a deliberate continued disregard of this Code occurs, the Director may order the issuance of a citation to the responsible party.

10-1D-4 Complaints Regarding Violations

A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file an investigation request with the Planning & Community Development Department ("P&CD").

B. File complaint with Director. Investigation requests, stating fully the causes and basis thereof, shall be filed with the Director of Planning and Community Development. The Director or his or her designee shall properly record such complaints, investigate, and take action thereon as provided by this Code.

10-1D-5 Inspection and Right of Entry

Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this Code, or whenever the Director or his/her duly authorized inspector has reasonable cause to believe that a violation of this Code has been or is being committed, an inspector may enter any building, structure, property, or portion thereof at reasonable times to inspect the same.

A. Occupied properties. If such building, structure, property, or portion thereof is occupied, the inspector shall present identification credentials, state the reasons for the inspection, and request entry.

B. Unoccupied properties. If such building, structure, property, or portion thereof is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property, or portion thereof and request entry. If

the inspector is unable to locate the owner or such other persons, and he or she has reason to believe that conditions therein create an immediate and irreparable land use or safety hazard, he or she shall make entry.

C. Compliance with request. It is unlawful for any owner or occupant or any other person having charge, care, or control of any building, structure, property, or portion thereof to fail or neglect after proper request has been given to permit prompt entry where the inspector has reason to believe that conditions therein create an immediate and irreparable land use or safety hazard.

D. Permits. Any person submitting an application for a permit issued pursuant to this Code shall be deemed to have consented to on-site inspection of their property for the purpose of assessing compliance with this Code.

10-1D-6 Abatement of Violations

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings as outlined in this article. A finding of a violation of this Code and paying of a penalty shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this article are in addition to and not in lieu of any remedies available to the City.

10-1D-7 Notice of Violation

A. Notice of Violation issuance. Whenever any violation of this Code occurs or any work is being done in violation of the provisions of this Code or a condition of any permit or other approval, the Director or his or her designee may issue a written Notice of Violation to order the violation corrected or removed, or work stopped. This Notice shall be served on the responsible party. All work under any permit or approval shall cease until it is authorized to continue by the Director.

   1. The Director or his or her designee may precede the Notice of Violation with attempts to secure a voluntary correction via a conversation in person or by phone, or through a written notice.

B. Notice of Violation content. The following shall be included in the Notice of Violation:

   1. The street address, when available, and a legal description of real property and/or description of the property location sufficient enough to identify where the violation occurred or is located;

   2. A statement that the Director has found the person to be in violation of the City of Liberty Lake Development Code / RDSAP, with a brief and concise description of the conditions found to be in violation and a reference to the City regulation(s) which has been violated;

   3. A statement of the corrective action required to be taken and that the violation shall be corrected within fourteen (14) calendar days or less from the date of service of the order;

      a. If the Director has determined that corrective work is required, the notice shall require that all required permits be secured, that work physically be commenced, and that the work be completed within such times as the Director determines are reasonable under the circumstances, provided however, that in no event shall the

time given for corrective work be greater than thirty (30) calendar days;

4. A statement specifying the amount of any civil penalty assessed due to the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;
5. Statement advising that: If any required work is not commenced or completed within the times specified, the Director will proceed to cause abatement of the violation and cause the work to be done and charge the costs as a lien against the property and as a joint and separate personal obligation of any person in violation;
6. Statement advising that: If any assessed civil penalty is not paid, the Director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;
7. Statement that: The Notice of Violation may be appealed within fourteen (14) calendar days from the date of the notice to the City Hearing Examiner, pursuant to the provisions outlined below in Section 10-1D-8. Any per day civil penalty shall not accrue during the pendency of such administrative appeal, unless the Hearing Examiner determines that the appeal is frivolous or intended solely to delay compliance; and a failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under this Code.

C. Notice of Violation service. The Director or his or her designee shall serve the Notice of Violation upon the person to whom it is directed, either personally or by mailing a copy of the order by certified mail to such person at his/her last known address. If the address of any such person cannot be readily ascertained, a copy shall be mailed by certified mail to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this article. Service by mail in the manner provided in this section shall be effective on the date of postmark. The order may be, but is not required to be, posted on the subject property.

10-1D-8 Notice of Violation - Administrative & Judicial Appeals

A. Administrative appeal. A person to whom a Notice of Violation is directed may appeal such order to the Hearing Examiner within fourteen (14) calendar days from the date of the notice. A notice of appeal shall be delivered to P&CD by mail or personal delivery with the required appeal fee as set forth in the Planning & Community Development Department Fee Schedule. 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. Prior to filing a notice of appeal, within the fourteen (14) day timeframe, a person may request an administrative interpretation of the violation as outlined in Section 10-4G-2.

1. The notice of appeal shall contain a concise statement identifying:
    a. The code violation being appealed;
    b. The name and address of the appellant and his/her interest(s) in the matter;
    c. The specific reasons why the appellant believes the violation notice to be wrong. The appellant shall bear the burden of proving the violation notice was wrong;
    d. The desired outcome or changes.

2. Scheduling of Public Hearing. A public hearing for the appeal shall be scheduled before the Hearing Examiner not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to P&CD. The decision of the Hearing Examiner shall be a recommendation to the City Council as outlined in City of Liberty Lake Ordinance No. 27, establishing the office of the hearing examiner and providing for rules and regulations. The City Council will conduct an additional public hearing at its next available, regularly scheduled City Council meeting, to render the final appeal decision, The Council hearing shall be held within the timeline established for project permit reviews and decisions, see Section 10-4B-4.

    a. Any per day civil penalty shall not accrue during the pendency of such administrative appeal, unless the Hearing Examiner determines that the appeal is frivolous or intended solely to delay compliance. Enforcement of any Notice of Violation issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the Director issues an Emergency Order as described below in Section 10-1D-9 of this article.

    b. Waiver. Failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under this Code.

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

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

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

10-1D-9 Emergency Order

Notwithstanding any other provision of this article, whenever any use or activity in violation of this Code threatens the health and safety of the occupants of the premises or property, any member of the public, or the environment, the Director may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety or threat and harm to the environment be corrected immediately. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. In the event the Director issues an Emergency Order, the Notice of Violation procedures outlined above shall not apply. A failure to comply with an Emergency Order shall constitute a violation of this Code and the responsible party shall be subject to Section 10-1D-3.

CHAPTER 2
ZONING DISTRICTS

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

Sections:

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10-2C-2 **Permitted Uses (P)**

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10-2C-4 **Conditional Uses (CU)**

10-2C-5 **Accessory Structures**

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10-2C-1 Purpose

The RD-R (Mixed Residential) District is intended to promote the livability, stability, and improvement of the City's mixed residential neighborhoods. This article provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

A. Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.

B. Accommodate a range of housing needs, including owner-occupied and non owner-occupied housing.

C. Provide for compatible building and site design at an appropriate neighborhood scale.

D. Reduce reliance on the automobile for neighborhood travel and provide a variety of options for alternative transportation.

E. Provide direct and convenient access to schools, parks, and neighborhood services.

10-2C-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the River District Zoning Matrix under the RD-R (Mixed Residential) District with the letter "P" are permitted in the RD-R zone, without special action by the Hearing Body, subject to development standards of the RD-R (Mixed Residential) District, and other applicable portions of this Code. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as "similar" to those in the River District Zoning Matrix may be permitted.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

10-2C-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the River District Zoning Matrix under the RD-R (Mixed Residential) District with the letter "L" are allowed in the RD-R zone if they comply with the development standards of the RD-R (Mixed Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as "similar" to those in the River District Zoning Matrix may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific RD-R Limited Uses.

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

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

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

4. **Public assembly**
   a. Requires application for and approval of a Public Assembly Permit from the Building Official.

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

6. **Temporary construction / sales office**
   a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

7. **Child day-care center**
   a. Only permitted on sites specifically designed to meet the traffic and parking needs of this type of use.

8. **Athletic club/exercise facility/gym**
   a. Permitted within Neighborhood Retail Cluster

9. Neighborhood Retail Cluster

a. Uses permitted in the “Neighborhood Retail Cluster” shall be limited to the following facilities and uses as defined in the code: Agricultural product/craft sales stand/Farmers Market; Animal health services/veterinarian/domestic animals; Banks/financial institution (non-drive thru); General retail; Grocery store; Restaurant, café, deli, or ice cream parlor (non-drive thru); winery/microbrew; Post office; Office and residential uses in a mixed use building.

b. The size of the Neighborhood retail Cluster shall not exceed 25,000 square feet in land area nor more than 5,000 square feet on the first story and 7,500 square feet in total commercial building area (excludes residential uses in mixed use buildings).

c. The buildings in the Neighborhood Retail Cluster shall be street facing, on a corner and may include street side seating and plaza areas.

d. Parking shall be provided from the rear of the building from an alley. Parking shall not be less than 2.0 nor more than 3.5 spaces per 1500 square feet of building area.

e. Neighborhood Retail Clusters must be located more than 1000 feet from other such Neighborhood Retail Clusters.

10. General Retail

a. Permitted within Neighborhood Retail Cluster

11. Grocery store

a. Permitted within Neighborhood Retail Cluster

12. Pharmacy (without drive-thru)

a. Permitted within Neighborhood Retail Cluster

13. Restaurant café, deli, or ice cream parlor (without drive-thru)

a. Permitted within Neighborhood Retail Cluster

14. Winery/Microbrew

a. Permitted within Neighborhood Retail Cluster

15. Accessory dwelling unit, attached

a. No off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit or mixed use building.

b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.

c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 50% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling. Within non-residential buildings one ADU dwelling unit shall be allowed. This is not intended to limit the number of residential units in a mixed use building.

f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.

g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.

h. The principal unit or ADU shall be owner-occupied. Home occupations shall be allowed within the ADU.

16. Accessory dwelling unit, detached

a. No off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.

c. The ADU shall not be more than 50% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.

f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 32 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 5,000 square feet in size.

i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.

j. The principal unit or ADU shall be owner-occupied.

k. Home occupations will be allowed within the detached accessory dwelling unit.

17. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.

b. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

18. Artisan/Craftsman Live Work

a. Permitted within Neighborhood Retail Cluster or under the requirements of home occupation.

19. Office

a. Permitted within Neighborhood Retail Cluster.

10-2C-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the River District Zoning Matrix under the RD-R (Mixed Residential) District with the letters "CU" are permitted to locate in the RD-R zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as "similar" to those in the River District Zoning Matrix may be permitted as conditional uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific RD-R Conditional Uses.

1. **Bed and breakfast inn**
   a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.
   b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.
   c. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.
   d. Bed and breakfast operations shall be limited to two (2) bedroom units within any individual residential dwelling and total occupancy by transient persons shall be limited to four (4) per dwelling.

2. **Public or Private utility local distribution facility**
   a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
   b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

10-2C-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in residential zones include detached garages, carports, sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. (For standards applicable to Accessory Dwellings, please refer to Section 10-2C-3). Accessory structures shall comply with all of the following standards and Sections 10-2C-6 for setbacks and 10-2C-7 for maximum lot coverage:

A. Primary use required. An accessory structure shall only be allowed on lots with another permitted, limited, or conditional use as defined above, on the same lot.

B. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

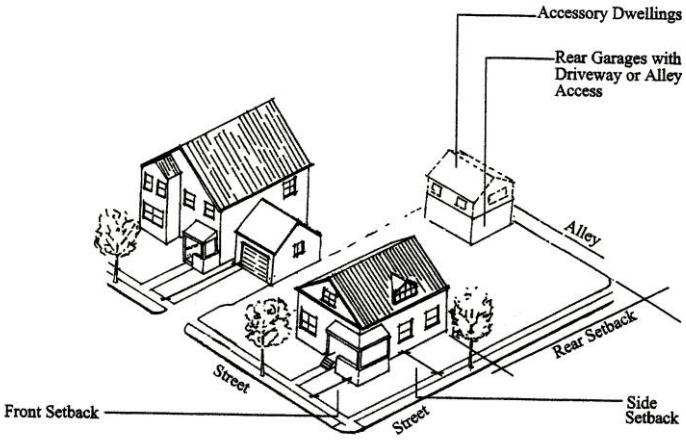
C. Building Height. The height of a detached accessory structure shall not exceed the height of the primary structure or twenty-five (25) feet, whichever is greater.

D. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2C-6, 10-2C-7, 10-2C-8, 10-2C-9, 10-2C-10, and 10-2C-11), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2C-6 Development Setbacks

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight, and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

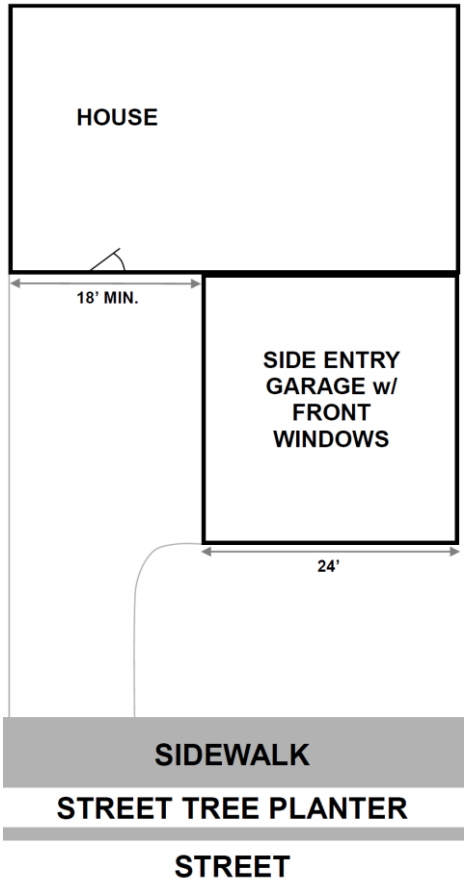
Building setbacks are the distance between a building (or other feature of development) and a property line, right-of-way, auto-court lane, or street, as applicable; however no structures shall be located within easements. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed and illustrated below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement, as applicable.



Liberty Lake Examples

A. <u>Front Yard Setbacks</u>

1. A minimum setback of 5 feet is required from the back of sidewalk on rear loaded lots.
2. Garage doors on attached garages should be accessed from alleys or face the side or rear of the property, rather than the front and be accessed from a driveway that does not exceed 20 feet wide except at the garage entrance. A side entry garage may be utilized that extends out from the furthest forward living space or covered porch on the street-facing elevation, if six (6) of the residential design elements outlined in subsection (3)(a - l) below are included on the front of the structure. Additionally, the ratio of house elevation width to garage elevation width must be at least 75% in order to achieve an appropriate scale (i.e. if the depth of the garage / side elevation is 24', then the width of the house elevation must be at least 18' for a total structure width of 42' minimum). See example below. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 18 feet from the back of sidewalk.



3. Design Requirements for Garages Extending Past the Front Elevation of Houses

   A front loaded garage may extend up to twelve (12) feet in front of the furthest forward living space or covered porch on the street-facing elevation if six (6) of the residential design elements outlined below are included on the front of the structure. Additionally, the ratio of house elevation width to garage elevation width must be at least 75% in order to achieve an appropriate scale (i.e. if the width of the garage is 20', then the width of the house elevation must be at least 15' for a total structure width of 35' minimum). See example below.

a. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window

b. The building facade includes two or more offsets of sixteen inches or greater

c. A minimum sixty square-foot covered front porch that is at least five feet deep

d. Windows and main entrance doors that occupy a minimum of fifteen of the lineal length of the front facade (excluding any windows in a garage door)

e. Windows on front elevations include a minimum of four-inch trim or shutters

f. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street façade

g. Garage doors are painted the same color as the body color of the front elevation of the home

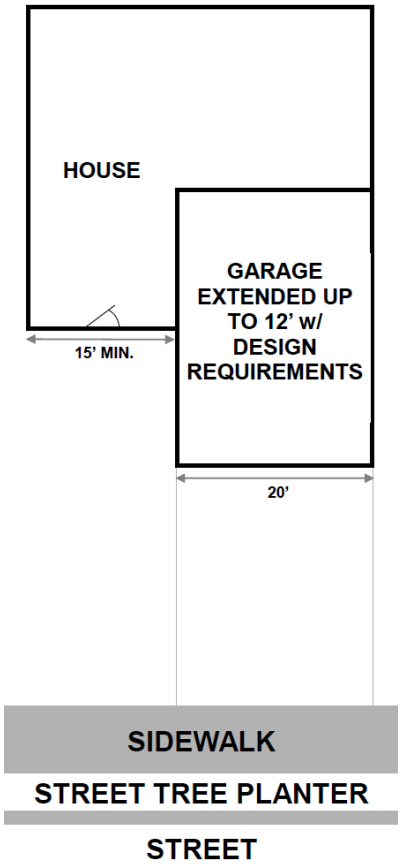
h. There are a minimum of two windows in each garage door

i. Windows in gables or dormers above the garage doors

j. A variety of architectural elements incorporated into the front building facade design, such as knee braces, varied column types, window boxes, corbels, and raised panel garage doors with windows

k. A direct pedestrian connection from the front door to the adjoining front sidewalk / streetscape

l. Each garage door is a one car width (9')



4. Detached garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet and at least 18 feet from the back of sidewalk.
5. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2C-9.
6. Attached Single Family Clustered Housing unit setbacks shall be only for the single building elevation that is nearest to the right-of-way, auto-court lane, or street, as applicable; however no structures shall be located within easements. A minimum building front yard setback of 5 feet is required for an attached single family clustered housing unit building with rear loaded lots.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet for street-access lots, and no setback for alley-access lots, unless easements prohibit (except for accessory structures). Lots backing up to open space shall have no minimum rear yard setbacks.
2. Accessory structures:
   a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line or easement, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.
   b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.
3. Attached Single Family Clustered Housing unit setbacks shall be only for the single building elevation that is nearest to the alley or property line.

C. Side Yard Setbacks

1. No minimum side yard setback shall be required on interior side yards providing the separation between the buildings meets the current building code and 15 feet on flanking street yards (street corner yards).
2. When zero-lot line development is permitted, the minimum side yard setbacks shall be 6 feet minimum on one side of the dwelling unit, and no setback required on the opposite side.
3. No minimum or maximum sideyard setback is required for dwelling units (including clustered housing unit buildings) that are attached by a common wall. This applies to units that are oriented towards street ROW, auto-court lanes, streets, or common areas.

D. Setback Exceptions

Unless easements prohibit, the following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Steps to porches or decks may encroach into front yard setback by no more than 5 feet. Porches, decks, and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet. Walls and fences may be placed on property lines, subject to the standards in Chapter 3. Walls and fences within front yards shall additionally comply with the vision clearance standards in Chapter 3.

10-2C-7 Lot Area, Dimensions, Coverage, & Residential Density

A. Residential Density Standard. The density standards shall apply to all new development. The minimum net density is 4 dwelling units per acre and the maximum net density is 18 dwelling units per acre. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a zoning category of a specific area plan). Duplex and triplex or other multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat.

2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage, Lot Area, & Dimensions. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

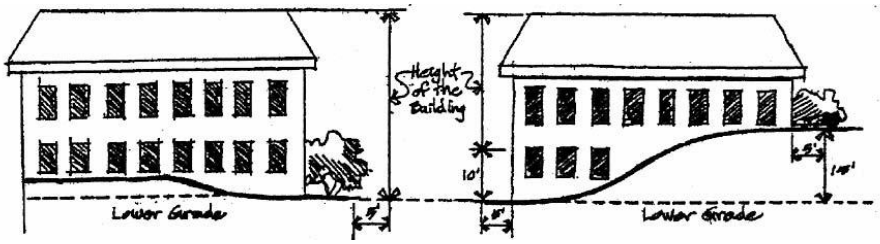
Maximum Lot Coverage in the RD-R Zone is 80%. Attached Single Family Clustered Housing may include individual attached units that have 100% coverage of the lot; in these cases the proposed clustered housing development shall include not less than 20% common open space around the building(s).

There is no minimum or maximum lot area, width, or depth.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by P&CD.

10-2C-8 Building Height



The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

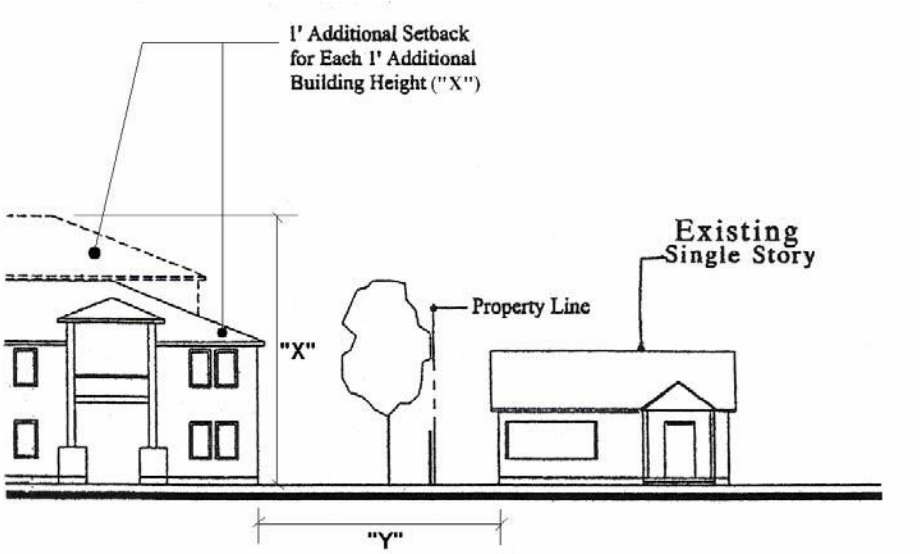
A. Building Height Standard. Buildings within the RD-R Zone shall be no more than 45 feet tall. Building height may be restricted to less than this maximum when necessary to comply with

the Building Height Transition standard in “C” below.

B Method of Measurement. “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘1’ above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

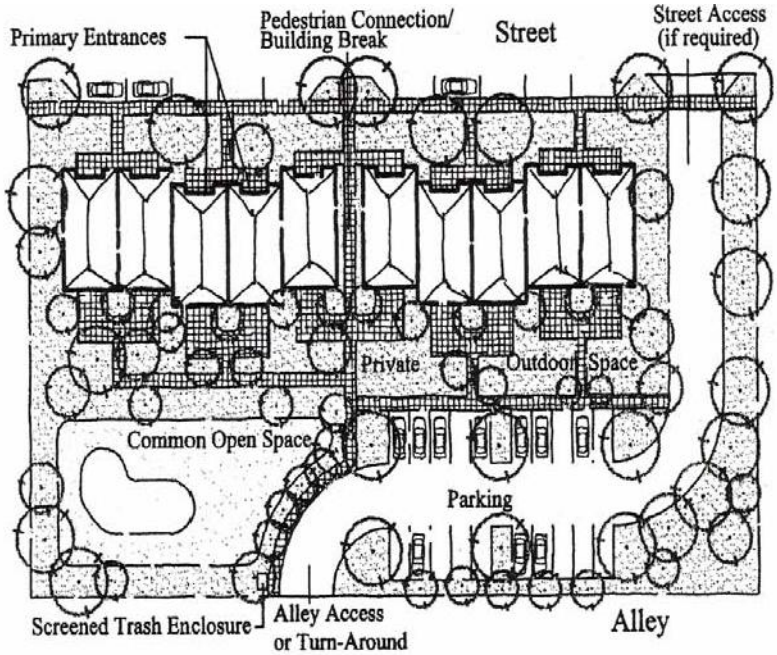
   Not included in the maximum height are: chimneys, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall conform to the height requirements of the RD-R zone.



C Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 12 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot of side yard separating the two buildings (“y”), as shown above up to a maximum 10' required side yard setback adjacent to the single story building.

10-2C-9 Building Orientation



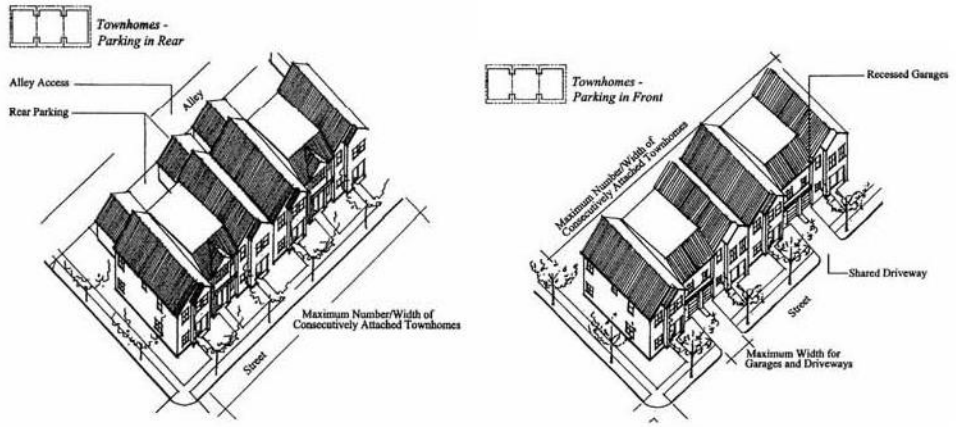
Residential Single Family Attached Townhome or Multi-Family Orientation Example

A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

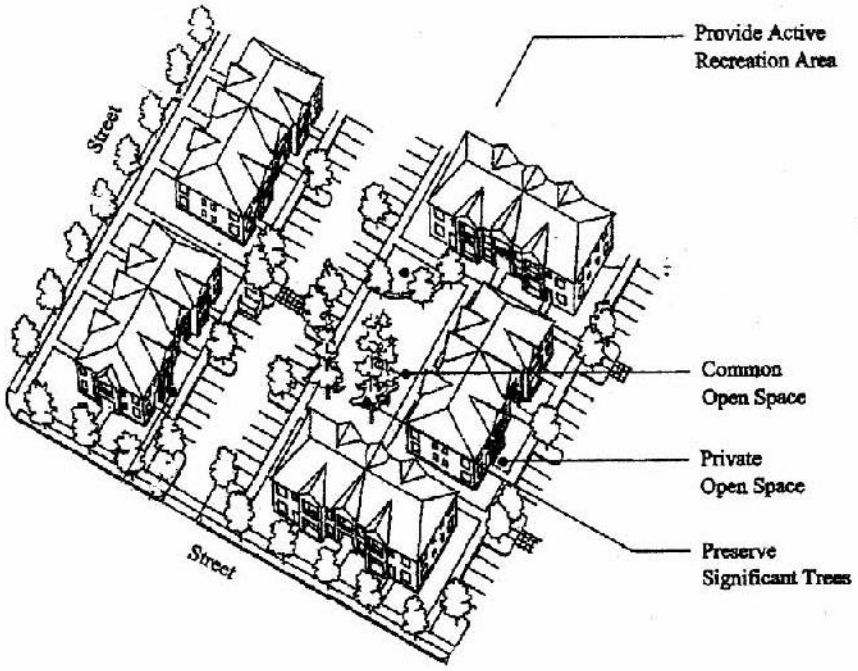
B. Applicability. This section applies to all buildings in the RD-R Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the RD-R zone are also required to comply with the standards outlined above in Section 10-2C-3 or 10-2C-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street. Primary entrances for buildings should be oriented directly to the street, breezeway or courtyard with a direct connection to the street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2C-6.
2. Commercial, multi-family and mixed-use buildings should provide a primary entrance within 30 feet of the closest sidewalk or street.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Chapter 3.



Residential Single Family Attached Townhome Alley and Street Access Examples



Multi-Family Example

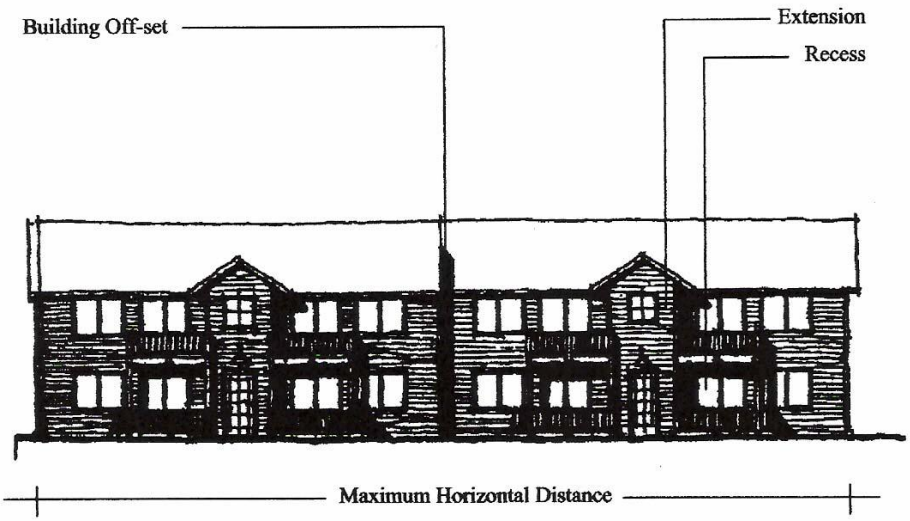
10-2C-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the RD-R Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the RD-R zone are also required to comply with the standards outlined above in Section 10-2C-3 or 10-2C-4. Buildings that do not require site design review are encouraged to incorporate these standards.

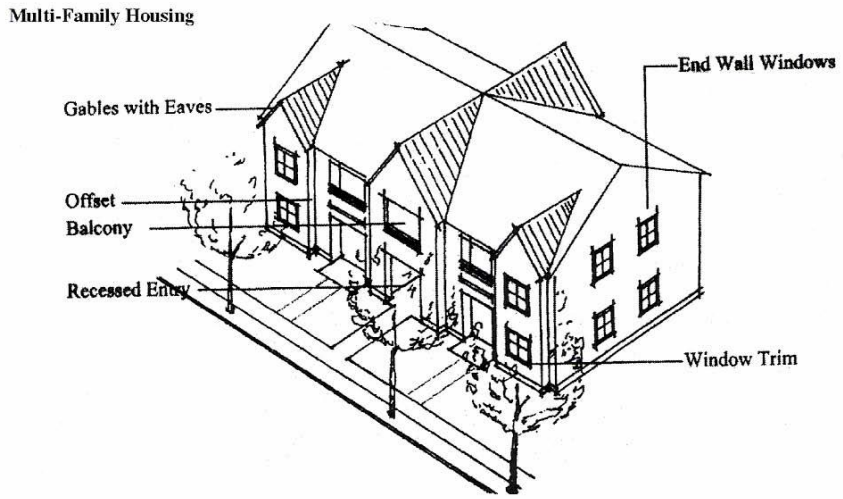
C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the

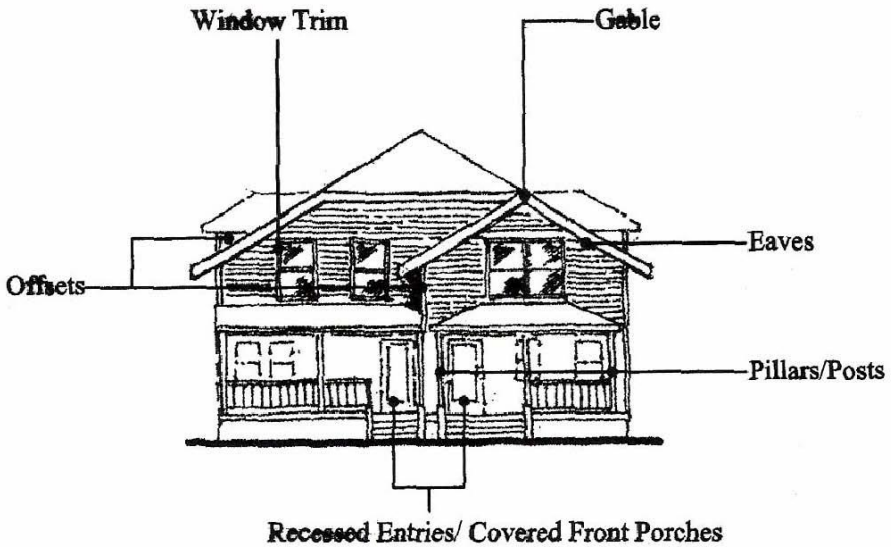
graphics) may be used to comply with more than one standard.



1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
   a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
   b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 4 of the following architectural features on front elevations and 2 on rear and side elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Cupolas or towers
   f. Pillars or posts
   g. Eaves (min. 6-inch projection)
   h. Off-sets in building face or roof (minimum 16 inches)
   i. Window trim (minimum 4-inches wide)
   j. Bay windows
   k. Balconies
   l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   m. Decorative cornices and roof lines (e.g., for flat roofs)
   n. An alternative feature providing visual relief, similar to options a-n.





D. Materials. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials apply to new construction projects in the RD-R Zone:

1. Acceptable Roofing Materials (minimum of 25 year warranty product)
   a. Composition
   b. Concrete tile
   c. Slate
   d. Cedar Shake
   e. Metal
   f. Copper Shake
   g. Other materials determined acceptable by the Planning & Community Development Director

2. Prohibited Roofing Materials
   a. Galvanized, corrugated metal roofing not to exceed 25% of total roof area

3. Acceptable Siding Materials (minimum of 20 year warranty product)
   a. Brick
   b. Stucco or Dryvit
   c. Cultured or Natural Stone
   d. Wood or Cedar Shake
   e. Fiber Cementuous Board
   f. Vinyl Lap
   g. Other materials determined acceptable by the Planning & Community Development Director

4. Prohibited Siding Materials
   a. T-111
   b. Galvanized, corrugated metal not to exceed 25% of building elevation facing the street

5. Detailing
   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Other materials determined acceptable by the Planning & Community Development Director

10-2C-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the RD-R Zone will require compliance with Chapter 3 and other applicable portions of this Code.

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

Sections:

10-2E-1 **Purpose**

10-2E-2 **Permitted Uses (P)**

10-2E-3 **Limited Uses (L)**

10-2E-4 **Conditional Uses (CU)**

10-2E-5 **Accessory Structures**

10-2E-6 **Development Setbacks**

10-2E-7 **Lot Area, Dimensions, Coverage, & Residential Density**

10-2E-8 **Building Height**

10-2E-9 **Building Orientation**

10-2E-10 **Architectural Guidelines and Special Standards**

10-2E-11 **Pedestrian and Transit Amenities**

10-2E-12 **Design Standards**

10-2E-1 Purpose

The RD-M (Neighborhood Center Mixed-Use) District is intended to promote the livability, stability, and improvement of the City's neighborhood mixed use areas. This article provides standards for the orderly improvement and expansion of the of the RD-M (Neighborhood Center Mixed-Use) District based on the following principles:

A. Efficient use of land and urban services.

B. A mixture of land uses within the RD-M Zone to encourage walking as an alternative to driving, and provide more employment and housing options.

C. A connection to neighborhoods and other employment areas.

D. The RD-M (Neighborhood Center Mixed-Use) District provides both formal and informal community gathering places.

E. Providing an appropriate level of retail and commercial services to the neighborhood.

F. Provide visitor accommodations and tourism amenities.

G. Transit-oriented development reduces reliance on the automobile and parking needs.

10-2E-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the River District Zoning Matrix under the RD-M (Neighborhood Center Mixed-Use) District with the letter "P" are permitted in the RD-M zone, without special action by the Hearing Body, subject to development standards of the RD-M (Neighborhood Center Mixed-Use) District, and other applicable portions of this Code. Only land uses which are

specifically listed in the River District Zoning Matrix and land uses which are approved as “similar” to those in the River District Zoning Matrix may be permitted.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

10-2E-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the River District Zoning Matrix under the RD-M (Neighborhood Center Mixed-Use) District with the letter “L” are allowed in the RD-M zone if they comply with the development standards of the RD-M (Neighborhood Center Mixed-Use) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the River District Zoning Matrix, and land uses which are approved as “similar” to those in the River District Zoning Matrix, may be permitted as Limited Uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

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

1. Agriculture (actively farmed)

a. Existing uses only, new agriculture (actively farmed) uses not permitted.

b. Small scale orchards, vineyards and community gardens are permitted.

2. Home Occupation

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

3. Mobile sales / concesions

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

b. Only permitted during special community events such as Liberty Lake Yard Sale Weekend.

4. Public assembly

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

5. Seasonal and special events

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

6. Temporary construction / sales office

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

7. Automobile parts sales (retail)

a. The automobile parts sales store shall be contained within an enclosed building which does not exceed 10,000 square feet or 100 feet of street frontage, whichever is less.

b. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the automobile parts sales building.

8. Participant & spectator sports facilities

a. Outdoor gun and archery ranges, racetracks or riding facilities (animal or motorized vehicle oriented), paintball facilities, stadiums, arenas, and water or amusement parks are prohibited.

b. All lighting shall be directed downward.

c. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.

9. Drive—thru facilities

a. Uses which are permitted outright in the RD-M zone may incorporate drive-thru facilities as defined herein into their building and site design.

b. In all cases, such facilities shall be designed and constructed in accordance with the provisions for drive-thru facilities contained within the Design Standards of Chapter 3 as applicable to the River District Specific Area Plan.

c. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the standards of this chapter.

10. Sports Bar

a. Building to be oriented to the street with main entrance fronting on the street, street corner, plaza or courtyard.

b. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary business entrance.

c. Architectural design should be compatible with Village Center or neighborhood character.

11. Tavern/ pub/ liquor store

a. Building or portion of mixed-use building shall not exceed 5000 square feet.

b. Building to be oriented to the street with main entrance fronting on the street, street corner, plaza or courtyard.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary business entrance.

d. Architectural design should be compatible with Village Center or neighborhood character.

12. Accessory dwelling unit, attached

a. No off-street parking space shall be required for the ADU, in addition to the off street parking required for the principal unit or mixed use building.

b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit or building with a common wall(s) and that meets the building code requirements for floor area and room sizes.

c. The ADU shall be clearly a subordinate part of the principal unit or building. In no case shall it be more than 50% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling. Within non-residential buildings one ADU dwelling unit shall be allowed. This is not intended to limit the number of residential units in a mixed use building.

f. An ADU shall not be permitted if the principal unit or mixed use building is less than 1,200 square feet.

g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence . The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.

h. The principal unit or ADU shall be owner-occupied (this provision is not applicable for commercial buildings). Home occupations shall be allowed within the ADU.

13. Accessory dwelling unit, detached

a. No off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

b. The ADU shall be a complete, separate housekeeping unit that meets the building code requirements for floor area and room sizes.

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

d. The ADU shall not have more than 2 bedrooms.

e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.

f. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 32 feet or the height of the principal unit, whichever is less.

g. Detached ADU's shall not be allowed on lots that are less than 5,000 square feet in size.

h. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6 foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.

i. The principal unit or ADU shall be owner-occupied.

j. Home occupations will be allowed within the detached accessory dwelling unit.

14. Dwelling, multi-family

a. Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of nonresidential uses within the permit application. Mixed use buildings, specialty housing, and single family attached dwellings (townhomes) are exempt from this provision.

15. Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities)

a. All specialty housing shall be duly licensed by the State of Washington, if required by the State.

b. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Article 10-3D-3 - Parking requirements.

16. Light manufacturing & assembly

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. On parcels abutting an arterial or collector street, the facility shall only be permitted if design techniques are used to minimize perceived building mass and achieve architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the architectural guidelines and special standards in Section 10-2F-10 below and will normally include terracing of upper floors and modulation of front facades.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

17. Light manufacturing & assembly w/ retail sales showroom

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. Retail sales showroom shall comprise at least 5% of the gross floor area of the light manufacturing and assembly portion of the building, in return, a 5% reduction in the required parking shall be granted.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

18. Wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

c. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.

d. The applicant shall perform and provide documentation of a visual simulation of the

site plan.

e. The applicant shall meet and provide documentation of all requirements of SEPA.

f. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City of Liberty Lake Planning & Community Development Department when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

10-2E-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the River District Zoning Matrix under the RD-M (Neighborhood Center Mixed-Use) District with the letters "CU" are permitted to locate in the RD-M zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the River District Zoning Matrix, and land uses which are approved as "similar" to those in the River District Zoning Matrix, may be permitted as conditional uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific RD-M Zone Conditional Uses.

1. **Public or Private utility local production or distribution facility**
   a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

   b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

10-2E-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in mixed use zones include detached garages, carports, sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. (For standards applicable to Accessory Dwellings, please refer to Section 10-

2E-3). Accessory structures shall comply with all of the following standards and Sections 10-2E-6 for setbacks and 10-2E-7 for maximum lot coverage:

A. Primary use required. An accessory structure shall only be allowed on lots with another permitted, limited, or conditional use as defined above, on the same lot.

B. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

C. Building Height. The height of a detached accessory structure shall not exceed the height of the primary structure or twenty-five (25) feet, whichever is greater.

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2E-6, 10-2E-7, 10-2E-8, 10-2E-9, 10-2E-10, and 10-2E-11), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2E-6 Development Setbacks

In the RD-M (Neighborhood Center Mixed-Use) District, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards encourage placement of buildings close to the street to create a vibrant pedestrian environment, to slow traffic down, to provide a storefront character to the street, and to encourage walking. The standards also encourage the formation of solid blocks of buildings to create a walkable environment.

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. There is no minimum front yard setback required, unless easements prohibit.
2. The maximum allowable front yard setback is 25 feet. This standard is met when a minimum of 25 percent of the front building elevation is placed no more than 25 feet back from the front property line, or the back of the border easement, as applicable. On parcels with more than one building, this standard applies to the building located the closest to the front property line.

   The maximum setback may be increased if the increased setback is used for the following pedestrian or aesthetic amenities associated with the building use (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, courtyard, etc. or additional front yard landscaping).

B. Rear Yard Setbacks

1. There is no minimum rear yard setback,
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” apply.

C. Side Yard Setbacks

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Setback Exceptions

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on property lines, subject to the standards in Chapter 3. Walls and fences within front yards shall additionally comply with the vision clearance standards in Chapter 3. P&CD has the discretion to allow an increase in the maximum setback.

10-2E-7 Lot Area, Dimensions, Coverage, & Residential Density

A. Residential Density Standard. There is a minimum residential density standard of 6 units per net acre when housing / residential is included in a project. There is no maximum net density.

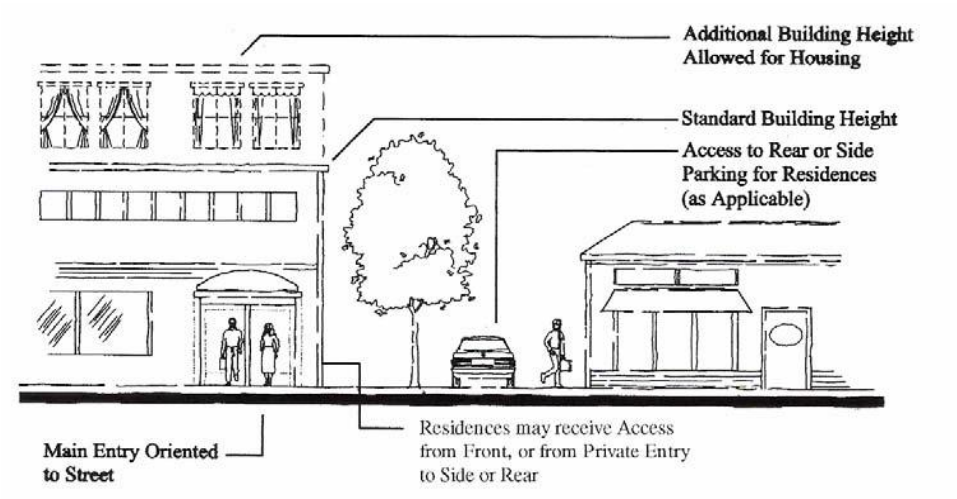
1. The density standards may be averaged over more than one development phase (i.e., as in a zoning category of a specific area plan).
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage, Lot Area, & Dimensions. There is no maximum lot coverage, or minimum or maximum lot area, width, or depth.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

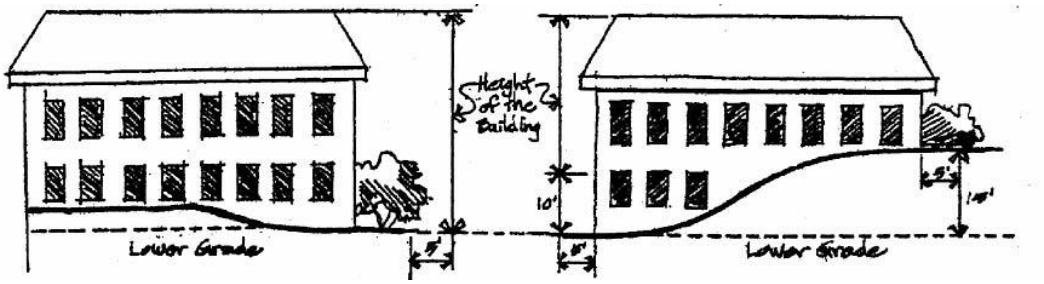
D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by P&CD.

10-2E-8 Building Height



All buildings in the RD-M (Neighborhood Center Mixed-Use) District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings with a pedestrian friendly character:

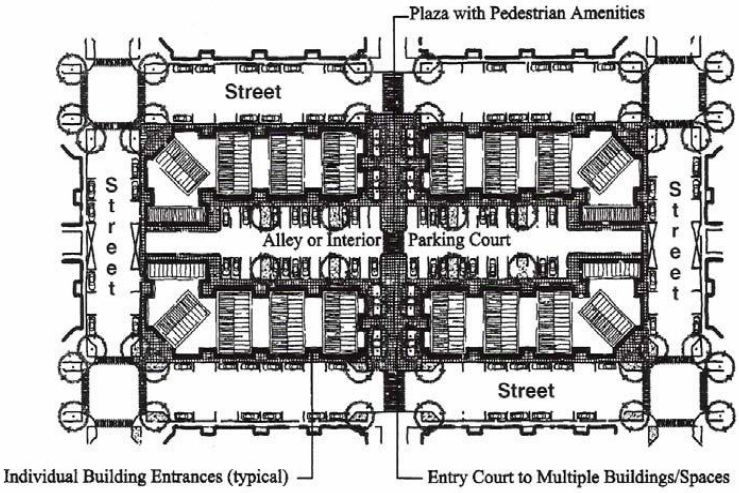
A. Building Height Standard. Buildings within the RD-M Zone shall be no more than 80 feet tall. The maximum height may be increased by 10 feet when housing is provided above the ground floor ("vertical mixed use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. 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. 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.



B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

10-2E-9 Building Orientation



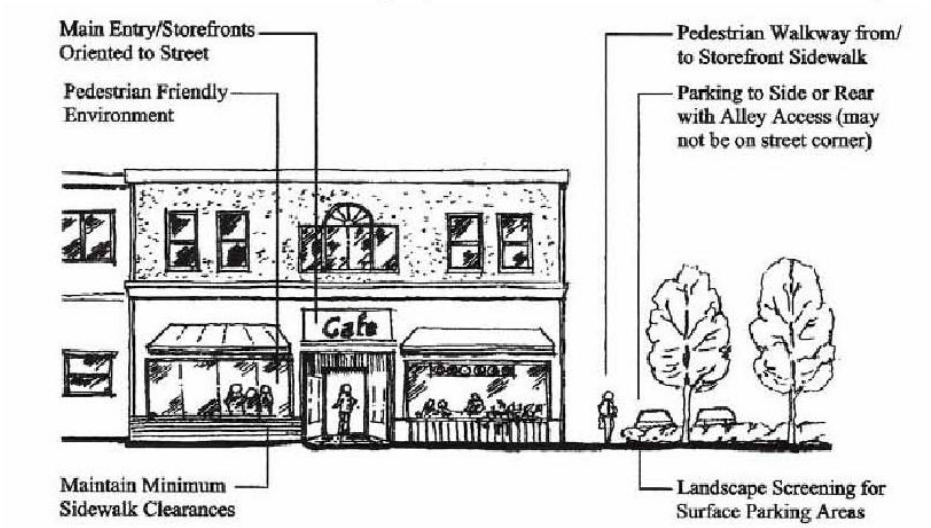
Block Layout Example

A. Purpose. This section is intended to promote the walkable, pedestrian friendly character of the RD-M (Neighborhood Center Mixed-Use) District by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed and illustrated below, compliment the front yard setback standards in Section 10-2E-6 above.

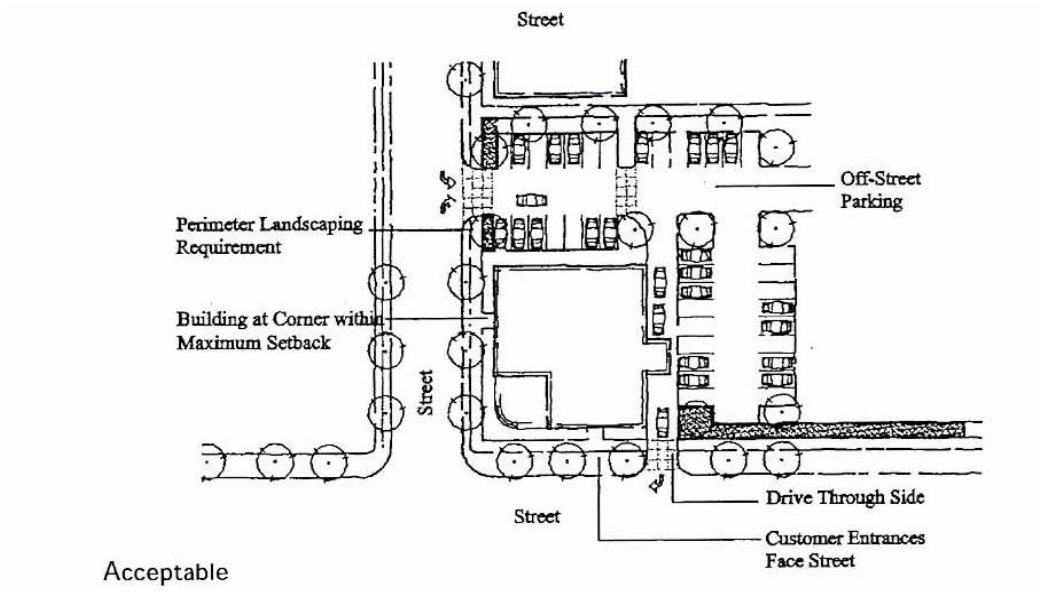
B. Applicability. This section applies to all buildings in the RD-M Zone, except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses).

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide a rear, side, or interior parking area. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2E-6.
2. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Chapter 3.
3. Buildings should be oriented to the primary street with main entrance(s) fronting on the street, street corner, plaza or courtyard. Entrances (primary, service or secondary) may be oriented to a sideyard, however pedestrian connections to the street, alley, parking lot or other service access shall be provided.

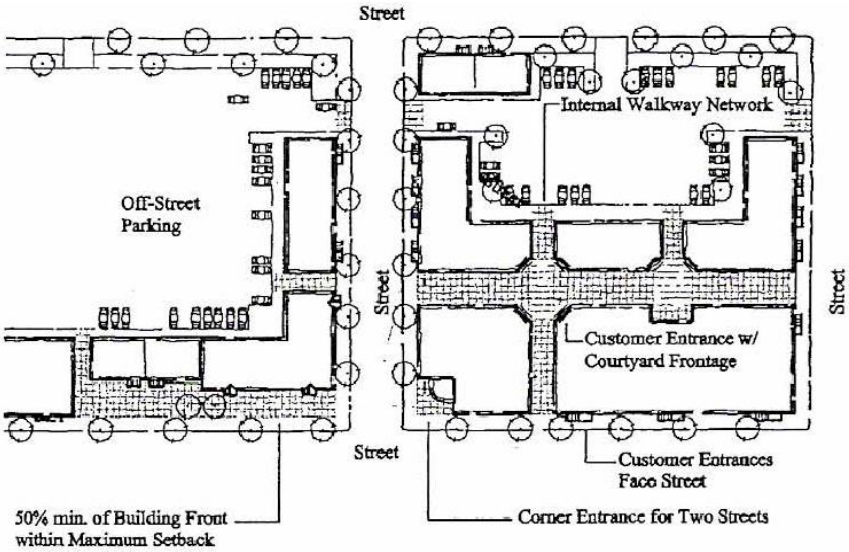


Mixed Use Building Orientation Example



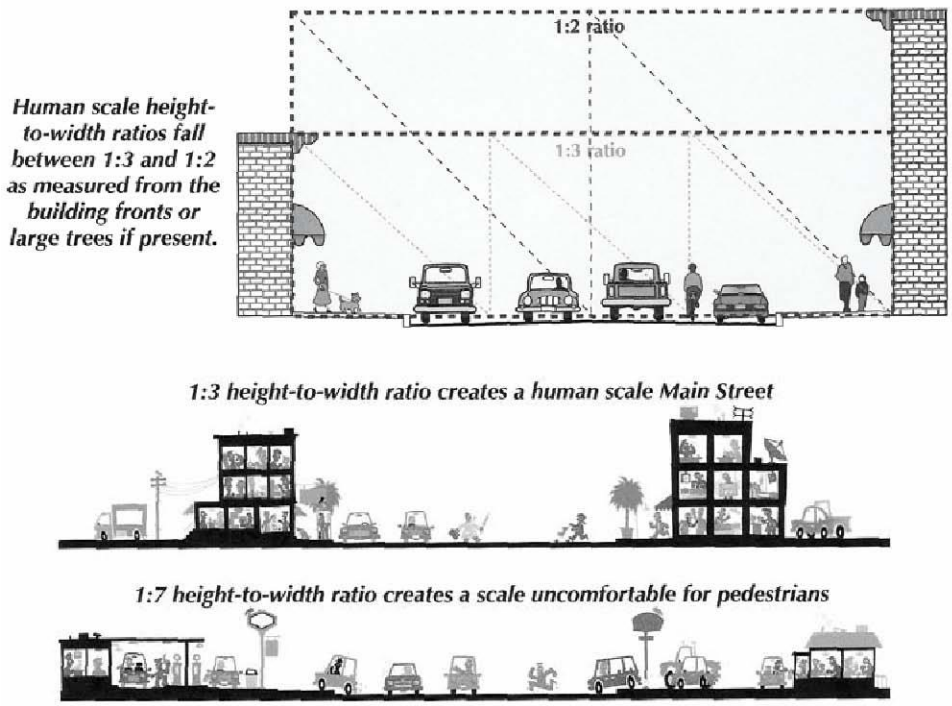
Site layout for drive through uses should place parking and driveways away from pedestrian areas.

Orientation Examples for Businesses with a Drive-Thru



Mixed Use Site Layout Example

10-2E-10 Architectural Guidelines and Special Standards



A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the RD-M Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the RD-M Zone are also required to comply with the standards outlined above in Section 10-2E-3 or 10-2E-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

1. Detailed Design. All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.

   a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

   b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories). Buildings that are unable to provide regularly spaced and similar-shaped windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, etc.) may not be required to meet this standard.

   c. Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above). Buildings that are unable to provide large display windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, etc.) may not be required to meet this standard.

   d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

   e. All residential buildings subject to site design review shall also comply with "2" below.

2. Residential Buildings.

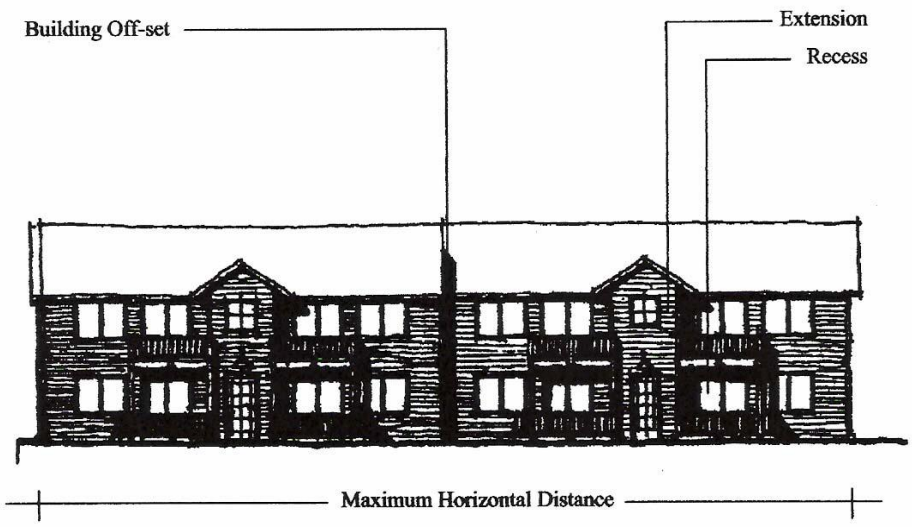
   a. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the following Figures. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

      i. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;

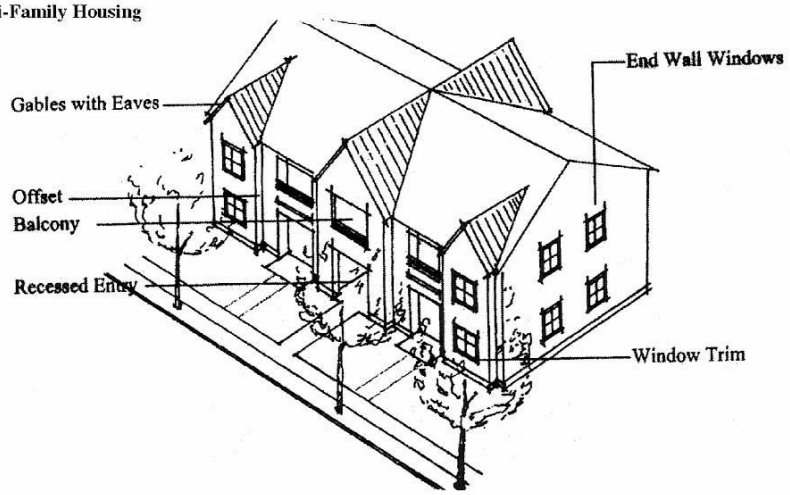
      ii. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

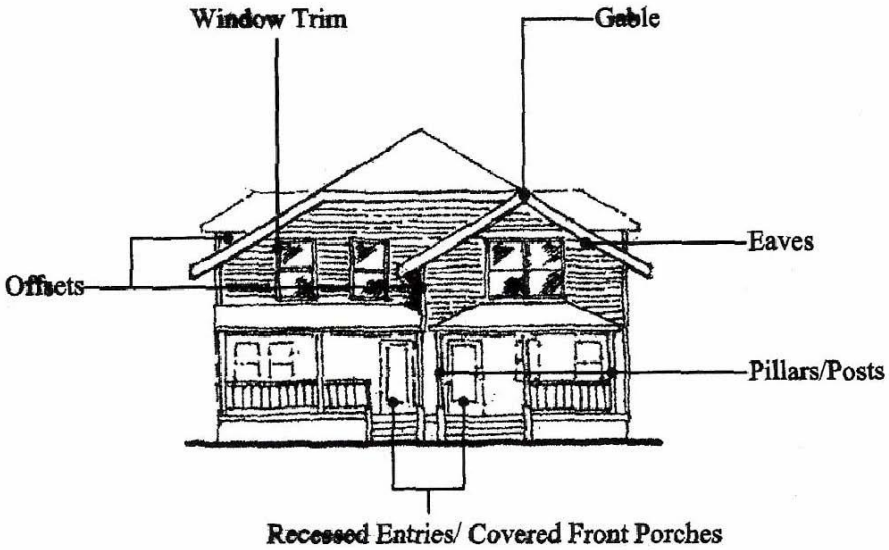
      iii. Offsets or breaks in roof elevation of 2 feet or greater in height.

   b. Residential buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 4 of the following architectural features on front elevations and 2 on rear and sides, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):



Multi-Family Housing



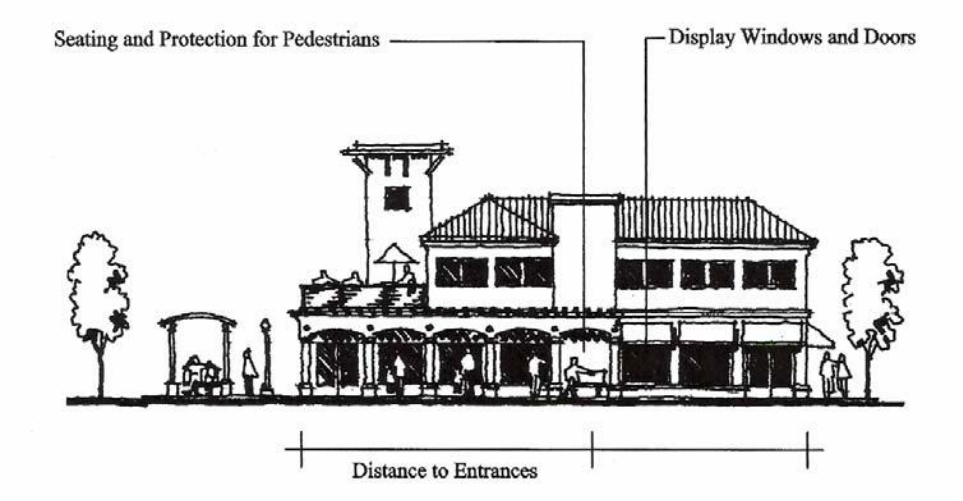


i. Dormers
ii. Gables
iii. Recessed entries
iv. Covered porch entries
v. Cupolas or towers
vi. Pillars or posts
vii. Eaves (min. 6-inch projection)
viii. Off-sets in building face or roof (minimum 16 inches)
ix. Window trim (minimum 4-inches wide)
x. Bay windows
xi. Balconies
xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
xiii. Decorative cornices and roof lines (e.g., for flat roofs)
xiv. An alternative feature providing visual relief, similar to the above options.

3. Design of Large-Scale Buildings and Developments. All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b, below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., "large-scale") or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

   a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown below is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.

   b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter 3.



D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the RD-M Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
   a. Composition
   b. Composite Flat Roof
   c. Concrete tile
   d. Slate
   e. Cedar Shake
   f. Metal - tile or shake only
   g. Copper Shake
   h. Painted corrugated metal
   i. Other materials determined acceptable by the Planning & Community Development Director

2. Prohibited Roofing Materials
   a. Galvanized corrugated metal

3. Acceptable Siding Materials
   a. Brick
   b. Stucco or Dryvit
   c. Cultured or Natural Stone
   d. Concrete Block - split faced, smooth (non-residential structures only)
   e. Concrete Tilt-Up (non-residential structures only)
   f. Wood
   g. Vinyl - tile or shake only
   h. Metal - tile or shake only
   i. Vinyl Lap
   j. Fiber cementious board
   k. Painted corrugated metal (only with detailing)
   l. Other materials determined acceptable by the Planning & Community Development Director

4. Prohibited Siding Materials
   a. T-111 (may be used when combined with detailing noted below)
   b. Galvanized corrugated metal

5. Detailing
   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Painted corrugated metal
   f. Other materials determined acceptable by the Planning & Community Development Director

6. Colors
   a. Color, as well as material selection, for buildings in the RD-M zone should reinforce overall massing and architectural concepts while portraying a sense of high quality and permanence. Colors shall be low reflectance.
   b. Paint color should be, at a minimum, appropriate to the style and setting of the building. Color selection should complement the proposed building as well as other buildings in the block. In general, color schemes for wall and major decorative trim or details should be kept simple; in most cases, the color or colors chosen for a storefront should be used on other painted exterior detailing (windows, shutter, cornice, etc.) to unify upper and lower portions of the facade.
   c. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing may be acceptable for accent light at building entrances, building trim, or accent areas, if approved through the City design review process.
   d. Corporate / trademark colors may be used on the building elevation / siding, roof, trim, or accent areas as long as they comply with these color standards. Corporate / trademark colors can be used on signage

10-2E-11 Pedestrian and Transit Amenities

A. Purpose. This section is intended to complement the building orientation standards in Section 10-2E-9 above, and the street standards in the River District SAP, by providing comfortable and inviting pedestrian spaces within the RD M (Neighborhood Center Mixed-Use) District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment, and contribute to a walkable district.

B. Applicability. This section applies to all buildings in the RD-M Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the RD-M Zone are also required to comply with the standards outlined above in Section 10-2E-3 or 10-2E-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Guidelines and Standards. Every development shall provide one or more of the “pedestrian amenities” listed below, and illustrated above. Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the City.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 12 feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by Spokane Transit Authority (STA).

10-2E-12 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the RD-M Zone will require compliance with Chapter 3 and other applicable portions of this Code.

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

Sections:

10-2I-1 **Purpose**

10-2I-2 **Permitted Uses (P)**

10-2I-3 **Limited Uses (L)**

10-2I-4 **Conditional Uses (CU)**

10-2I-5 **Accessory Structures**

10-2I-6 **Development Setbacks**

10-2I-7 **Lot Area, Dimensions, and Coverage**

10-2I-8 **Building Height**

10-2I-9 **Building Orientation**

10-2I-10 **Architectural Guidelines and Special Standards**

10-2I-11 **Design Standards**

10-2I-1 Purpose

The RD-C (Freeway Commercial) District provides for a range of light industrial, retail, office and commercial uses that are automobile-oriented in nature, which may not be appropriate in the mixed use zones. Within the RD-C Zone, there is an emphasis on the landscape aesthetics of frontages along Interstate 90 to enhance Interstate 90's aesthetic corridor status. The district's standards are based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide business services close to major employment centers.

C. Compatibility between commercial uses and nearby residential areas.

D. Allow for automobile-oriented uses, while preventing strip-commercial development along arterial and collector streets.

E. Increase the aesthetics along Interstate 90 through special landscaping and building design standards along Interstate 90 frontages.

10-2I-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the River District Zoning Matrix under the RD-C (Freeway Commercial) District with the letter "P" are permitted in the RD-C zone, without special action by the Hearing Body, subject to development standards of the RD-C District, and other applicable portions of this Code. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as similar in scale and impact to those in the River District Zoning Matrix may be permitted.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

10-2I-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the River District Zoning Matrix under the RD-C District with the letter "L" are allowed in the RD-C zone if they comply with the development standards of the RD-C District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as similar in scale and impact to those in the River District Zoning Matrix may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific RD-C Limited Uses.

1. Agriculture (actively farmed)

a. Existing uses only, new agriculture (actively farmed) uses not permitted.

b. Small scale orchards, vineyards and community gardens are permitted.

2. Large-scale retail establishments

a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:

1. New construction;
2. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or
3. A remodel of a building(s) with square footage that is equal or greater than the square footages defined for Large-scale retail establishments within these standards and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake.
4. Exceptions - Waivers to these standards may be granted through a Class A variance process under the following circumstances and in accordance with the chart below:
   - Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or
   - A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
   - The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
   - Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional

x = Portions of the standards may be waived in accordance with Exceptions

b. Pedestrian & Bicycle Circulation / Facilities

1. Twelve (12) foot wide walks are required across the front of all buildings over 80,000 sf. Ten(10) foot wide walks are required for other building sides wherever public access is required;
2. Ten (10) foot wide walks wide walks are required across the front of all building under 80,000 sf or wherever public access areas are located around the building.
3. Distinct pedestrian crossing markers or changes in surfacing must be used;
4. Incorporation of focal points, plazas or pedestrian / bicycle nodes with seating or other pedestrian amenities as destinations or intermediate points along circulations routes is required.
5. Arcades or columns can be located along building facades as long as the minimum clear pedestrian passage of eight (8) feet is maintained.
6. Season display or temporary sales displays may utilize the walks as long as a minimum clear pedestrian passage of eight (8) feet is maintained.
7. Bicycle parking facilities should be incorporated into the design of the pedestrian walkway and provide for secure and visible storage of bicycles.

c. Shopping Cart Storage & Return Stations - When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations

1. Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;

2. Shopping cart return stations shall be integrated in parking lot landscaping, and utilize architectural features, or similar design elements to reduce visual impact while drawing attention to the shopping cart return area.
3. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at anytime; and
4. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.

d. Outdoor Storage Uses & Service / Loading Areas -

1. Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;
2. Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;
3. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and
4. When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.

e. Outdoor Display / Sales Areas & Accessory Uses

1. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;
2. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Director of Planning & Community Development or permitted through a Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;
3. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;
4. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;
5. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and

6. Temporary sales / displays, such as Christmas trees, landscape materials,
    - Temporary sales / displays shall be reviewed and approved by the Director of Planning & Community Development through the Temporary Use Permit process in accordance with Section 10-4I-1.

3. Mobile sales / concessions

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

4. Public assembly

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

5. Seasonal and special events

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

6. Temporary construction / sales office

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

7. Tower, private

a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake Planning & Community Development Department or its successor agency can remove the easement.
b. The tower shall not exceed the maximum height of the underlying zone.
c. The tower must be accessory to a use on the same site.

8. Automobile / truck repair or maintenance (service station)

a. All vehicles being repaired or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

9. Boat, recreational vehicle, and trailer - construction, repair, parts sales, and maintenance

a. All boats, recreational vehicles, and/or trailers being constructed, repaired, or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

10. Gas station / convenience store

a. Underground storage tanks and stormwater disposal shall not be located within the 1000 foot radius of a wellhead.

b. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).

c. Convenience stores/gas stations shall not exceed 8 pump sites and the building footprint area shall not exceed 8,000 square feet per lot. A pump site is one dispenser which may be double sided.

11. Accessory caretaker's residence

a. The residence is an accessory use to the primary use and is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner's property, building, and/or use.

b. Construction of the primary use shall occur previous to or simultaneous with the construction of the residential unit.

c. The caretaker's residence shall be limited in size to 1,000 square feet and shall be served with public water and sewer.

12. Public utility transmission facility – EPF

a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

13. Wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

c. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.

d. The applicant shall perform and provide documentation of a visual simulation of the

site plan.

e. The applicant shall meet and provide documentation of all requirements of SEPA.

f. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City of Liberty Lake Planning & Community Development Department when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

10-2I-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the River District Zoning Matrix under the RD-C District with the letters "CU" are permitted to locate in the RD-C zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the River District Zoning Matrix and land uses which are approved as similar in scale and impact to those in the River District Zoning Matrix may be permitted as conditional uses.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Article 10-4G - Administrative Interpretations.

C. Requirements for Specific RD-C Conditional Uses.

1. **Public or private utility local production or distribution facility**

   a. The utility company shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

   b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

10-2I-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in commercial zones may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections

10-2I-6 for setbacks and 10-2I-7 for maximum lot coverage:

A. Primary use required. An accessory structure shall only be allowed on lots with another permitted, limited, or conditional use as defined above, on the same lot.

B. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

C. Building Height. The height of a detached accessory structure shall not exceed the height of the primary structure or twenty-five (25) feet, whichever is greater.

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots. The fence may be omitted if:

1. A similar screen is already provided
2. The distance to adjacent dwelling(s) is greater than 50 feet
3. The buffer requirement is waived in acknowledged writing by abutting property owners .
4. or the accessory structure incorporates the same architectural detailing, materials, colors, etc as the principal use or structure on the same lot.

E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2I-6, 10-2I-7, 10-2I-8, 10-2I-9, 10-2I-10, and 10-2I-11), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2I-6 Development Setbacks and Special Landscaping

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 10 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks

1. The minimum interior side yard setback shall be those required by the International Building Code, as adopted by the City of Liberty Lake, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures).

2. The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Chapter 3, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Mixed Residential Zone Buffering.

   A 20 foot minimum landscape buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The landscaped border shall consist of at least three (3) shade, ornamental or evergreen trees and twenty (20) shrubs distributed per 25 linear feet of perimeter. Clustering of similar trees in groups of 3-5 is highly encouraged. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3 may require buffering other situations, as well.

2. Interstate 90 Buffering.

   A 40 foot minimum landscape buffer shall be required between development and the Interstate 90 corridor to reduce light glare, noise and aesthetic impacts of Interstate 90 on the development as well as provide a continuous visual screen of the development from Interstate 90 traffic. This buffer shall include a mix of deciduous and evergreen trees and shrubs. The buffer shall contain an average of at least three (3) deciduous or coniferous trees and twenty (20) shrubs per 1000 square feet of buffer. At least 50% of the planting shall be evergreen. Berms, ornamental and sound walls less than 6' in height may be incorporated in the design. Pedestrian trails and amenities as part of an overall pedestrian circulation system area encouraged. Innovative stormwater management techniques that incorporate stormwater facilities and native plants into the buffer are encouraged.

3. Mission Avenue Buffering.

   A 20 foot minimum landscape buffer shall be located behind the public sidewalk on Mission Avenue to reduce light, glare, minimize aesthetic impacts and provide a distinct visual screen between the development and street. The landscaped border shall consist of at least three (3) shade, ornamental or evergreen trees and twenty (20) shrubs distributed per 25 linear feet of perimeter. Clustering of similar trees in groups of 3-5 is highly encouraged. This buffer shall include a mix of deciduous and evergreen trees and shrubs. At least 50% of the planting shall be evergreen. Berms, ornamental fences and walls no more than 42" tall may be incorporated in the design. Innovative stormwater management techniques that incorporate stormwater facilities and native plants into the buffer are encouraged. Pedestrian connections between buildings as part of the overall pedestrian circulation system may penetrate.

4. Neighborhood Access.

   Construction of pathway(s) that meet the Americans With Disabilities Act (ADA) standards shall be included with each development. These pathways are intended to provide connections to adjacent neighborhoods and development. Sidewalk and pathways along

streets shall be in accordance with approved River District Street sections. In addition, internal project sidewalks and pathways shall be:

a. 5' minimum for internal circulation systems.

b. 4' minimum for access to individual residential units or utility access.

5. Building and Fire Codes.

   All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

6. Walls and Fences.

   Walls and fences may be placed on property lines, subject to the standards in Chapter 3. Walls and fences within front yards shall additionally comply with the vision clearance standards in Chapter 3.

10-2I-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

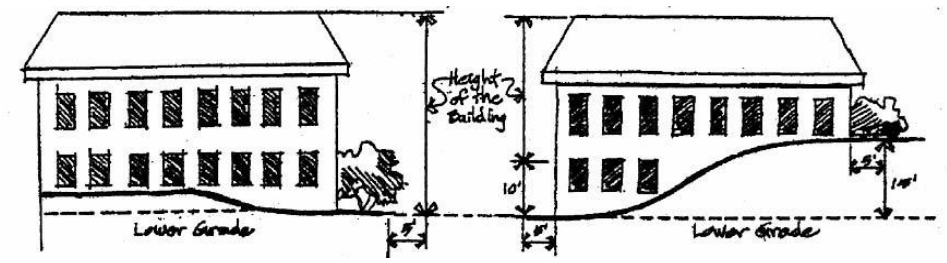
B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

RD-C Land Use	Lot Area	Lot Width / Depth	Lot Coverage	Residential Density
All Uses	Minimum area: None	Minimum Width: 50 feet at front property line	Maximum: 60 percent	None
	Maximum area: None	Maximum Depth: None		

10-2I-8 Building Height

All buildings in the RD-C District shall comply with the following building height standards.

A. Building Height Standard. Buildings within the RD-C Zone shall be no more than 70 feet tall, except when a lot is adjacent to an RD-R (Mixed 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. 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.



B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building (see above examples):

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '1' above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views.

10-2I-9 Building Orientation

A. Purpose. All of the following standards shall apply to new development within the RD-C Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the RD-C Zone that require Site Design Review (see Section 10-4RD-C), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the RD-C zone are also required to comply with the standards outlined above in Section 10-2I-3 or 10-2I-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a private drive, street, or auto court lane. Parking shall be oriented to provide efficient building access, screened from adjacent public right of ways and shared to the maximum extent possible. A majority of the parking shall be located in a rear, side, or interior parking area away from the public ROW. See 10-2I-6 Development Setbacks and Special Landscaping above for I-90 and Mission Avenue landscape buffer requirements. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2I-6.
2. All buildings shall have their primary entrance(s) oriented to a driveway, auto court lane, or public/private street with direct efficient connections for pedestrians and to parking. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the primary vehicular

access and/or parking which is connected to the street.

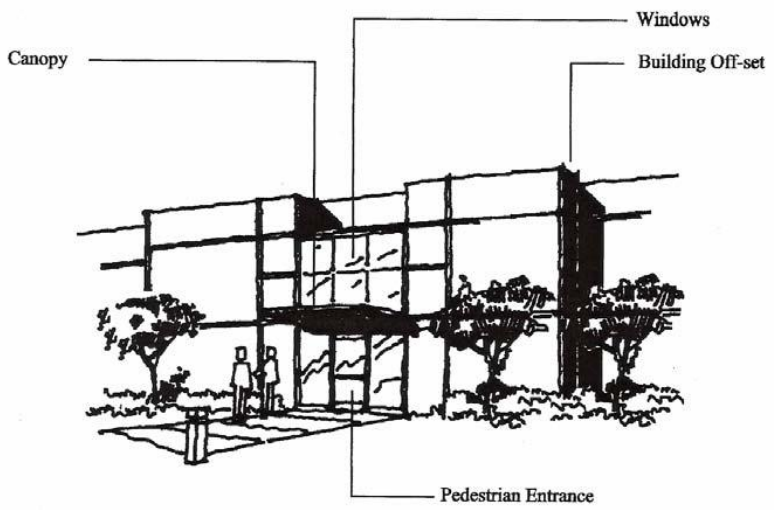
3. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Chapter 3.
4. On corner lots, buildings and their entrances shall be oriented to the street corner (see, 10-2I-6 Development Setbacks and Special Landscaping above) whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.
5. Large-scale retail establishments
    a. Large-scale retail establishments shall not be located on corner lots consisting of two streets, unless smaller buildings (less than 50,000 gross square feet) are located between the large-scale retail establishment and the street
    b. Outparcels with non large-scale retail establishments must be located between large scale retail establishments and an arterial or collector street.
    c. Access & Traffic
        1. Large-scale retail establishments must have at least two approaches with the main approach located on an arterial or collector street, additionally large master planned retail centers may provide two main entrances that serve multiple large scale retail establishments;
        2. Vehicle access must be designed to accommodate peak traffic volumes;
        3. Site layout shall consider and provide as feasible, access connections to adjacent parcels / uses; and
        4. Off-street parking, drives, and other vehicular areas that are internally oriented and screened within a large master planned retail center are encouraged.
        5. Provisions for centrally located transit facilities within a large master planned retail center is encouraged.

10-2I-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the RD-C Zone that require Site Design Review (see Section 10-4RD-C). Limited and Conditional Uses within the RD-C zone are also required to comply with the standards outlined above in Section 10-2I-3 or 10-2I-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



1. Detailed Design. All buildings shall provide detailed design along the front building elevation oriented to a driveway, auto court lane, I-90, or public/private street, as applicable. Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.

    a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up the building elevations that includes the main and secondary entries to the building. Additionally, articulate large building facades to break up extended wall surfaces and visually reduce building mass.

    b. Corner building entrances on corner lots. A building entrance may be located away from a corner, created by two streets, when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. Driveways are excluded.

    c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2. Design of Large-Scale Buildings and Developments. All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b, below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

    a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.

b. Every building elevation adjacent to a street or Interstate 90 shall be screened from the ROW as detailed in 10-2I-6 Development Setbacks and Special Landscaping. Pathways shall connect all entrances to the project circulation system that connects to the street right-of-way, in conformance with Article 10-3B - Access and Circulation.

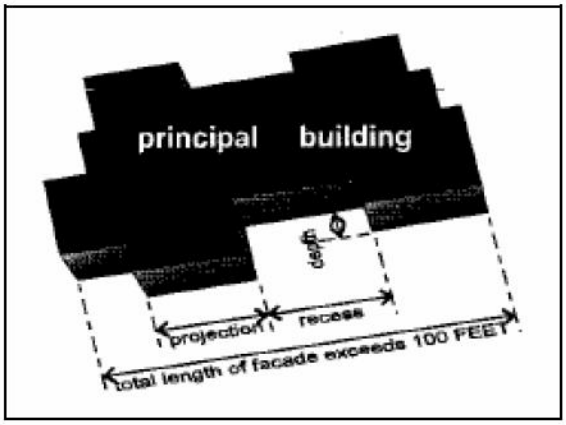
3. Large-Scale Retail Establishments

a. Building Elevations

1. Uninterrupted lengths of any elevation shall not exceed one hundred (100) horizontal feet.

2. Ground floor elevations with primary entrances that face a street (public or private) or that face a driveway, auto court lane, or I-90 shall have arcades, display windows, entry ways, awnings, building articulation or incorporation of pedestrian scale materials or other such features along no less than 60% of the horizontal length.

3. Building side and rear elevations that do not include primary entrances may reduce the above requirement to 40% when 15' of landscape buffer is provided between the building and the walk, street, auto-court lane or driveway. Innovative stormwater techniques can be integrated in no more than 5' of the landscape buffer. The landscape buffer shall include a mix of evergreen and deciduous trees with at least 50% of the trees being evergreen and spaced at least 2/3 the mature spread of each tree.



(Drawing Source - Fort Collins, Colorado)

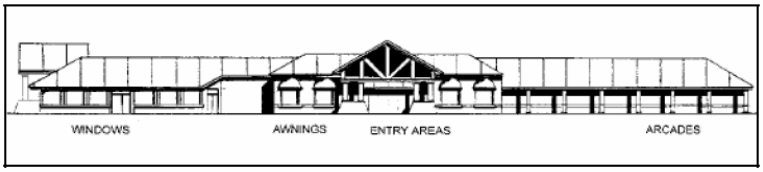
b. Building Facade – Strong articulation of the building facades is required. In particular, this should include:

1. The base, middle and top of the building facade expressed through the use of materials and detailed design.

2. Blank or single material facade that extend the entire length of the building parallel to the driveway, auto court lane, or public/private street should not be permitted.

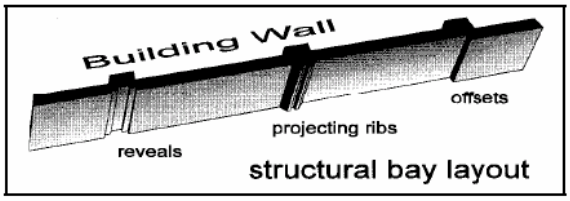
3. Facade of any significant size should be subdivided through a combination of windows, projections, recessions and/or changes in plane in the building wall to create a consistent rhythm across the façade while establishing divisions that express a hierarchy of entrances and identification of individual businesses, where applicable.

4. Changes in wall facing materials should occur at wall setbacks or projections or to articulate the transition between the building base, middle and top.
5. Wall detailing should integrate functional building elements such as vents or rainwater leaders within the wall plane as visible and integrated elements.
6. The building must integrate at least three (3) of the elements listed below. Integration can be achieved as described above.
    - Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib;
    - Color change;
    - Texture change; and / or
    - Material module change.



(Drawing Source - Fort Collins, Colorado)

c. Entrances - Each building shall have clearly defined; highly visible customer entrances and each additional store located within a principal building shall have at least one separate exterior customer entrance. Entryways shall feature no less than three of the following design features:
    1. canopies or porticos;
    2. overhangs;
    3. recesses/ projections;
    4. arcades and colonnades;
    5. raised corniced parapets over the door;
    6. peaked or corniced roof forms;
    7. arches
    8. outdoor patios;
    9. display windows;
    10. architectural details such as tile work and moldings which are integrated into the building structure and design; and / or
    11. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.



(Drawing Source - Fort Collins, Colorado)

d. Smaller Retail Stores - In addition to the entrance requirements above, when additional store(s), with less than fifty thousand (50,000) square feet, are located within a principal building, the facade of each additional store shall contain the following, as applicable:

   1. Display windows between the height of three (3) feet and eight (8) feet above the walkway / sidewalk grade for no less than sixty percent (60%) of the horizontal length of each additional store facade; and

   2. Windows shall contain displays or be recessed and should include visually prominent details that include trim, sills, shutters, or other such elements that frame the window.

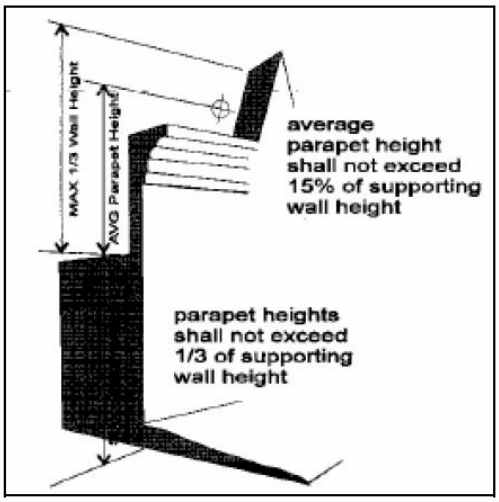
e. Roofs - Each building shall have at least two (2) of the following roof features:

   1. Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapets shall not exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments;

   2. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

   3. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and / or

   4. Three (3) or more roof slope planes.



(Drawing Source - Fort Collins, Colorado)

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the RD-C Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake
    g. Corrugated or standing seam metal roofing, galvanized or painted as accent on shed roofs and dormers only. Colors to be complimentary to overall paint scheme of building.
    h. Painted corrugated metal
    i. Copper Shake
    j. Other materials determined acceptable by the Planning & Community Development Director
2. Prohibited Roofing Materials
    a. Corrugated metal roofing exceeding 25% of total roof area.
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Concrete Block - split faced, smooth
    e. Concrete Tilt-Up
    f. Wood
    g. Vinyl - tile or shake only
    h. Metal - tile or shake only
    i. Corrugated or standing seam metal (galvanized or painted) siding, no more than 25% of each elevation with this material.
    j. Other materials determined acceptable by the Planning & Community Development Director
4. Prohibited Siding Materials
    a. T-111 (may be used when combined with detailing noted below)
    b. Vinyl Lap (may be used when combined with detailing noted below)

5. Detailing

   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Other materials determined acceptable by the Planning & Community Development Director

6. Colors

   a. Color, as well as material selection, for buildings in the RD-C zone should reinforce overall massing and architectural concepts while portraying a sense of high quality and permanence. Colors shall be low reflectance.
   b. Paint color should be, at a minimum, appropriate to the style and setting of the building. Color selection should complement the proposed building as well as other buildings within the development. In general, color schemes for wall and major decorative trim or details should be kept simple; in most cases, the color or colors chosen for the façade shall be appropriately extended to the side and rear elevations to unify entire building as well as upper and lower portions of the façade / elevation.
   c. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing may be acceptable for accent light at building entrances, building trim, or accent areas, if approved through the City design review process.
   d. Corporate / trademark colors may be used on the building elevation / siding, roof, trim, or accent areas as long as they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2I-11 Design Standards

The River District development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the RD-C Zone will require compliance with Chapter 3 and other applicable portions of the River District Specific Area Plan.

CHAPTER 3
RIVER DISTRICT DESIGN STANDARDS

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Article 10-3A — Design Standards Administration

All developments within the River District SAP must comply with the River District Design Standards (RDDS) as well as the standards of the applicable zone within which the development is located.

Each zoning district (Chapter 2) provides design standards that are specifically tailored to the zoning district. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

Article 10-3B — Access and Circulation

10-3B-1 Purpose

The purpose of this article is to ensure that developments provide safe and efficient access and circulation, for pedestrians and vehicles.

10-3B-2 Access and Circulation

A. Intent and Purpose. The intent of this article is to manage vehicle access and calm traffic flow to development through a connected street system, while preserving pedestrian movements and the flow of traffic in terms of safety, roadway capacity, and efficiency. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods. Local access streets and driveways provide access to individual properties and local access streets facilitate pedestrian movements. Alleys can provide secondary access to properties. This article attempts to balance the right of reasonable access to private property with the need to slow traffic in residential neighborhoods; and the need to provide interconnected pedestrian systems throughout the district. To achieve this policy intent, roadways have been categorized in the River District Specific Area Plan (RDSAP) by function and classified for access purposes based upon their level of importance and function. The specific road classifications and standards are attached as Exhibits 6.2.1a through 6.2.1k.

B. Applicability. This article shall apply to all vehicular access and traffic circulation within the RDSAP and to all abutting properties.

C. Approach Permit Required. Access to a public street requires an Approach Permit in accordance with City of Liberty Lake Development Code Article 10-3B-2.

D. Traffic Study Requirements. The entire River District SAP boundary is included as part of the proposed Liberty Lake Transportation Mitigation Fee Plan area (formerly Harvard Road Mitigation Plan). The land uses permitted in the SAP are subject to the mitigation fee requirements when the plan is adopted. The mitigation plan shall be updated every five years.

   The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional engineer licensed in the State of Washington to determine access, circulation and other transportation requirements or participation in an established traffic mitigation plan shall be required.

E. Access to Private Property. When vehicle access is required for development, access shall be provided by one of the following methods:

   Option 1. Access is from a driveway or auto-court lane that has access to a public street. 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 driveway or auto-court lane.

   Option 2. Access is from a public street adjacent to the development parcel. An auto-court lane or private road extending from the public road may serve parcels concurrent with City Street Standards, as amended.

F. Conditions of Approval. The City 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 that is identified in the Liberty Lake Transportation Mitigation Plan, when adopted, to ensure the safe and efficient operation of the street system.

Access to and from off-street parking areas shall not permit backing onto a public street, except in Residential Zones.

G. Access Spacing. Driveway accesses shall be separated from other driveways, alleys and street intersections in accordance with the following standards and procedures:

A minimum of 50 feet separation between driveways or alleys and a minimum of 150 feet between intersections (as measured from the edge of the driveway / intersection) shall be required on local access streets (i.e., streets not designated as collectors or arterials). Single family, two-family, and townhome uses shall not be required to comply with the 50 foot minimum separation.

Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation Improvement Plan and applicable Engineering Design standards.

H. Number of Access Points. For all housing types, except multi-family, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards listed above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the street(s) and sidewalk(s) for all users. Shared access is encouraged to minimize disruption of pedestrian traffic and limit the number of access points along collectors and arterials.

I. Shared Driveways. Except for single family residential, shared driveways are encouraged and may be required when feasible, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways are encouraged to consolidate access onto a collector or arterial streets. When shared driveways are provided, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways at the time of final plat approval (Article 10-4D) or as a condition of site development approval (Article 10-4C).
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions shall produce blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length. The maximum block length and perimeter shall not exceed: 900 feet length in Residential and Mixed Use Zones.
2. Street Standards. Public and private streets shall also conform to the River District SAP road standards, as reviewed and approved by the City Engineer.

Exception. The block length and perimeter standards may not apply when existing development patterns or physical constraints restrict construction in conformance with the standards.

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 Engineering Design 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 or public safety, as determined by the Director or designee:

1. Single family, two-family, and townhome uses shall have a minimum driveway width of 10 feet, and a maximum width of 30 feet.
2. Multiple family uses with more than 4 dwelling units shall have a minimum driveway or auto-court lane width of 20 feet, and a maximum width of 30 feet.
3. Driveway widths for all other uses shall not exceed 35 feet.
4. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways.

L. Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided in accordance with the Building and Fire Codes. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles. All access to collector and arterial streets must be made to accommodate entrance in a forward manner.

M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas, and ramps shall have a minimum vertical clearance of 13' 6“ for their entire length and width.

N. Vision Clearance. Compliance shall be consistent with City of Liberty Lake Development Code Article 10-3B-2.

O. Construction. 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 City Engineer. In no case shall graveled surfaces be used except for temporary turnarounds or access.

P. Pedestrian Access.

1. Pedestrian Access and Circulation. River District and associated neighborhoods, parks, neighborhood retail clusters, village centers, commercial, retail and offices shall be interconnected with a continuous paved system of sidewalks, pathways, trails and multi-use pathways in compliance with the Americans with Disabilities Act. (Trails and multi-use pathways accommodate pedestrians and bicycles.) The system shall be designed based on the standards in subsections a-d, below:

   a. Interconnected System. The pathway system shall extend throughout River District and individual development sites to connect existing and future phases of development, adjacent trails, public parks, greenways and open space areas whenever possible.

   b. Safe, Direct, and Convenient Non-motorized Circulation System. The system within River District and developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and the non-motorized circulation system in compliance with the Americans with Disabilities Act.

      1. Reasonably direct. A route that does not deviate unnecessarily or a route that does not involve a significant amount of out-of-direction travel for likely users.

      2. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

      3. For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

      4. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

   c. Connections within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities, and common areas (as applicable). Connections to adjacent developments to the site should be provided when practical.

   d. Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by this Code. 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, when practical. Pathways used to comply with these standards shall conform to all of the following criteria:

      1. Multi-use or shared pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within an associated street right-of-way, 20-foot-wide right-of-way or easement that allows access for emergency vehicles;

      2. 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;

3. The City Engineer 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, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

Pathway Standards (Typical)

2. Design and Construction. Pathways shall conform to all of the standards in 1-5 below:

   a. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps. This standard may not apply to re-construction of existing roadways.

   b. Housing/Pathway Separation. Pedestrian pathways in right-of-way or publicly maintained easements shall be separated a minimum of 5 feet from all internal residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Article 10-3C. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

   c. 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. Crosswalks within parking areas may be removed at the discretion of the City Engineer.

   d. Sidewalk & Pathway Surface. Sidewalks shall be concrete and at least 6' wide, unless otherwise specified by this Code. Pathway surfaces shall be concrete, asphalt, brick/ masonry pavers, or other durable surface, at least 10 feet wide. (See also the applicable City Transportation Standards related to pathways). Additionally, sidewalk and pathway design shall conform to the requirements of this Code, the City Engineering Design Standards, the Liberty Lake Trail System Plan and Parks, Recreation, Open Space, and Trails Plan, as applicable.

   e. Accessible routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

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

10-3C-1 Purpose

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

10-3C-2 Landscape Conservation - prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource and critical areas.

10-3C-3 New Landscaping - sets standards for and requires site landscaping and buffering for parking and maneuvering areas, and between different zones. (Note that other landscaping standards may be provided in Chapter 2 - Zoning Districts, for specific types of development.)

10-3C-4 Street Trees - sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

10-3C-5 Fences and Walls - sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Note that other fence and wall standards may be provided in Chapter 2 - Zoning Districts, for specific types of development.)

10-3C-2 Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation associated with streams, wetlands and other protected natural resource and critical areas. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation.

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

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

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

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

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

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

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

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

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

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

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

1. Dead, Diseased, and/or Hazardous Vegetation - Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be

removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

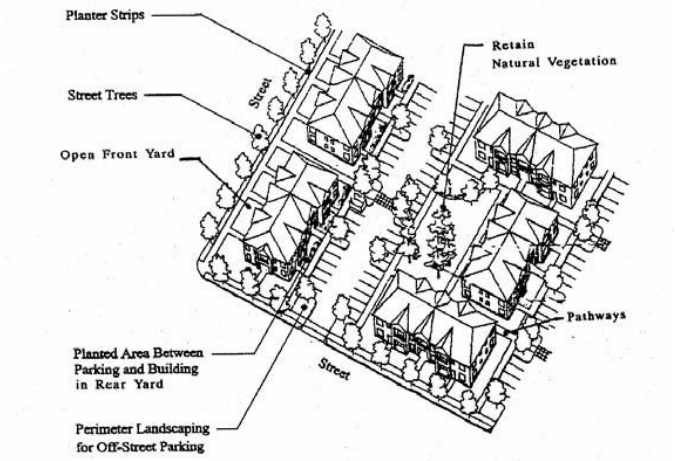
2. Emergencies - Significant vegetation may be removed in the event of an emergency when the vegetation poses an immediate threat to life or safety, as determined by the Director of Planning & Community Development. The Director shall prepare a notice or letter of decision within 15 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

10-3C-3 New Landscaping

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

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

C. Bonding and Assurances. Prior to the issuance of any occupancy permits for a project, the project shall either install the required landscaping in accordance with the approved landscape plan or obtain bonding or other assurances as established in Section 10-4C-5. In the event a bond or other assurance is needed, a temporary certificate of occupancy may be issued for a six month period to complete the installation of the landscaping. . 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.



Multi-Family Landscape Example

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

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

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

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

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

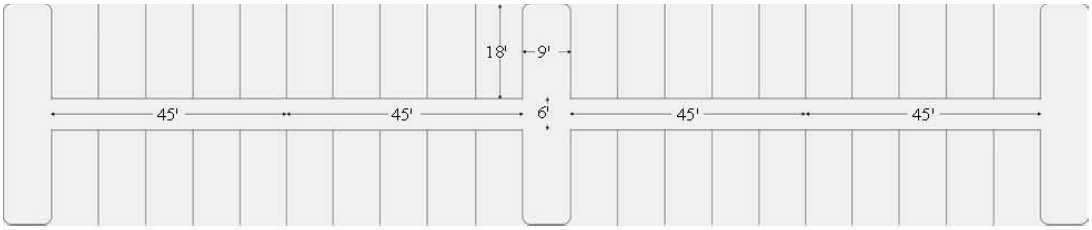
2. Landscape islands shall be installed to break up the parking area into rows of not more than 20 contiguous parking spaces or 10 spaces in one row.
   a. Each end of each row of parking spaces shall require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape.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

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

   When the parking is oriented parallel to the building face, a six (6) foot wide pedestrian

walkway shall be provided through the parking lot from the furthest row of parking to the building entry. These pedestrian walkways run perpendicular to the building face and parking and shall be spaced no greater than 250' apart throughout the parking lot.

Orientation of the walkway to the building entry and integration of the walkway into the required landscape along the driveway is encouraged. The pedestrian walkway shall be integrated with landscape islands when practical. The dimension of a landscape island with a 6' pedestrian walkway shall be no less than sixteen (16) feet to accommodate trees and snow removal.



Interior Parking Area Layout Example (without pedestrian walkways)

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

4. Alternative Tree Installation

   a. At the option of the applicant, the following tree installation requirements to provide a minimum of Fifty percent shading of paved parking lots and paved service areas may be utilized.

   b. Fifty percent of paved parking lots and open service area surfaces shall be shaded by tree canopies within fifteen years of planting.

      GENERAL

      1. A "paved parking lot" shall include parking stalls, driveways, and maneuvering areas.

      2. Trees planted to satisfy the requirements of these guidelines are landscaping as defined by Municipal Code and are subject to established landscaping requirements.

      LANDSCAPE PLAN REQUIRED

      1. A landscape plan which details the degree of compliance with the Parking Lot Shade Tree Ordinance is required. The plan shall show:
         a. All landscaped areas.
         b. Tree canopies drawn to scale representing the estimated canopy at a fifteen year growth period.
         c. The total area in square feet of the paved parking lot, driveways, and maneuver areas; and the area shaded by tree canopies. A schedule listing total parking area, shaded area, and the percentage of parking area shaded shall be included.
         d. A schedule of the specific names of proposed trees and their sizes.

      2. Such plan shall be approved by the City prior to issuance of building permits. However, the plan is encouraged to be submitted at the time of site plan review.

METHODOLOGY

1. To simplify the process of determining compliance, the true angle of deflection of natural sunlight shall not be considered. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.
2. Shading shall be provided by tree canopies except that any portion of a paved parking lot directly beneath and shaded by a man made structure (overhangs and covered parking, for instance) shall be deleted from the requirements of these performance standards and shall be subtracted from the area of the parking lot to be shaded.
3. Credit shall be given only for surface area shaded. Multiple canopies shading the same surface area will not be counted as multiple credit.
4. Landscape planters beneath the canopy may be considered as shaded parking areas for the purpose of determining compliance.
5. Where more than five trees are to be planted, mix tree species.
6. Trees planted along the perimeter of a lot may be counted as providing shade for the full area of their canopy.
7. If the degree of overlap between trees is less than 15 percent, all trees may be counted as shading 100 percent of their canopy. If the degree of overlap is 15 percent or greater, then it will be necessary to perform individual calculation to determine the area of shading.

ALLOWABLE SPECIES/CANOPY

MINIMUM TREE REQUIREMENT

Provide minimum of two (2) medium size shade trees for every two required parking spaces. (This requirement may be modified by the Director if the standards for shading and perimeter planting have been met.)

Disperse trees throughout the parking lot area in the required landscape areas to provide 50 percent shading of the parking area surface within 15 years (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standard).

Trees shall also be planted in the required landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public rights-of-ways.

Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for health of the tree and public safety; or as may otherwise be approved by the City.

MINIMUM PLANTER SIZE per standards in section E and F.

TREE SHADE CALCULATIONS

Minimum deciduous tree size to be as listed in Section I of this Chapter and tree selection to be approved by the City.

Sizes of trees at 15 years of growth to be as listed in the current addition of the

Sunset New Western Garden Book.

Shade Calculations:

30 feet to 35 feet diameter trees: 100% = 962 square ft; 50% = 481 square ft; 25% = 240 square ft

20 feet to 30 feet diameter trees 100% = 707 square ft; 50% = 354 square ft; 25% = 177 square ft

15 feet to 20 feet diameter trees: 100% = 314 square ft; 50% = 157 square ft; 25% = 79 square ft

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

1. Perimeters Adjacent to Public Rights-of-way.
   a. 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, driveway, or other vehicular area and the right-of-way.
   b. The landscape screen shall be a minimum of ten (10') feet in width and shall contain at least one (1) evergreen or deciduous tree and ten (10) shrubs distributed per 25 linear feet of street frontage. At least 50% of the perimeter trees shall be evergreen. Clustering of evergreen trees is encouraged. Incorporation of berms, low walls or other landscape features is encouraged.
2. Perimeters Not Adjacent to Public Rights-of-way.
   a. In addition to F-1 above, the remaining perimeter of any parking areas, driveways, or other vehicular areas shall be surrounded by a continuous five (5') foot landscape border minimum. Such landscape border shall be required between any paved area and any property line, yard, or required yard. The landscape border may be interrupted for ingress and egress to structures and adjoining lots. When a shared driveway will be located at the property line, the perimeter landscaping can be located at the sides of the driveway or as a landscaped median, as applicable. The landscaped border shall consist of at least one (1) evergreen or deciduous tree and ten (10) shrubs distributed per 25 linear feet of street frontage. At least 50% of the perimeter trees shall be evergreen. Clustering of evergreen trees is encouraged.
3. Perimeters of Structures.
   a. 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, 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. Borders between buildings and loading, storage or service areas that are not accessible to the general public are exempt from this requirement.
   b. Sight obscuring fences may be installed on the sideyard and rearyard property lines of commercial developments with the perimeter landscaping installed between the parking area and the fence. Installation of shrubs on the inside of perimeter fencing is not required adjacent to loading, storage or other areas not accessible to the general public. Trees, however are still required. Chainlink with slats is not

approved.

4. Perimeters Adjacent to Interstate 90.

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

   Width: 40 foot minimum

   Plant Material: The buffer shall contain an average of at least three (3) deciduous or coniferous trees and twenty (20) shrubs per 1000 square feet of buffer.

   Trees:

   Evergreen: 50% of all trees, planted size 6-8'. Clustered in groups.

   Deciduous: 50% of all trees, planted size 2" caliper.

   Native, drought tolerant and adapted trees are highly encouraged.

   Shrubs: 50% evergreen and 50% deciduous when planted. Planted size: 5 gallon min. Native, drought tolerant and adapted shrubs are highly encouraged.

   Irrigation: Automatic irrigation systems are required. Drip irrigation and other water conservation measures are highly encouraged. Utilization of reclaimed water is required when available.

   Berms: Undulating berms ranging from 3' to 6' are encouraged. Berms to be constructed in natural shapes with integrated landscaping.

   Berm slopes:

   Mown Turf: 4:1
   Native Grass: 3:1
   Shrubs: 2:1

   Stormwater: Innovative stormwater management techniques are encouraged. Stormwater facilities may be integrated in the 40' buffer as long as they do not exceed 50% of the total depth of the buffer at any one point.

   Pedestrian Facilities: Pedestrian pathways may be integrated in the 40' buffer as part of a larger pedestrian circulation system.

5. Mixed Residential Zone Buffering. A 20 foot minimum landscape buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts, as outlined in Chapter 2, the buffer zone shall be as follows:

   a. A minimum width of twenty (20) feet.
   b. Density provided based on per 1000 square feet of buffer. The landscaped border shall consist of at least three (3) shade, ornamental or evergreen trees and twenty (20) shrubs distributed per 25 linear feet of perimeter. Clustering of similar trees in groups of 3-5 is highly encouraged. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc.
   c. Where fences are not installed, berming or other landscape treatment is encouraged to integrate the screening with the overall landscape design of the adjacent

properties.

6. Other Buffering.

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

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

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

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

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

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

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

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 10 percent of the required site landscape area; except in the RD-MU, where hardscape features may cover up to 20 percent of the required site landscape area (e.g. on a five acre site in the RD-M zone, 15% of the site or 32,670 sq. feet, is required to be landscaped, of that 32,670 sq. feet, 6534 sq. feet may be covered by hardscape features). Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Plant & Non-plant Ground Covers. Plant groundcovers and bark mulch, chips, aggregate, or other non-plant ground covers are encouraged to be used around trees and shrubs in landscaped areas.
6. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) should be landscaped with water tolerant, native plants.

J. Protective Curbing. All landscaped areas shall be protected from vehicle damage by a six (6) inch high protective concrete curbing, consistent with drainage requirements. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.

K. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and xeriscaping may be required when irrigation is not available. An automatic Irrigation system shall be provided for plants that are not drought-tolerant and the use of drip irrigation and moisture sensing timers is encouraged. Landscaping shall comply with City Water Conservation Ordinances, as adopted or amended. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen of the same size (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

L. Additional Requirements.

1. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Article 10-4H).
2. Reclaimed water use in landscape areas is required when available.
3. Landscape design should take into account the integration of required trees and shrubs with required exterior lighting, as well as monument and freestanding signage.
4. In accordance with City Development Code Section 10-1B-8, Alternative Methods of Compliance, the City may approve alternatives to the landscape requirements, if the consistency and other standards of Section 10-1B-8 are met.

M. Shopping Cart Storage & Return Stations.

When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted and

carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations:

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

10-3C-4 Street Trees

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

A. Landscaping Plan Required. A landscape plan is required and shall be submitted and reviewed prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

B. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that

produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.
10. Select trees that do not have invasive roots.

C. Caliper Size. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.

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

1. Spacing. The spacing of Street Trees will be in accordance with the three species size classes listed in G below, and no trees may be planted closer than the following:
   a. Small Trees - 30 feet
   b. Medium Trees - 40 feet
   c. Large Trees - 50 feet
   d. Exceptions - special plantings designed or approved by a landscape architect.
2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in G below, and no trees may be planted closer to any curb or sidewalk than the following:
   a. Small Trees - 2 feet
   b. Medium Trees - 3 feet
   c. Large Trees - 4 feet

   The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal and vertical clearances.
3. Distance from Street Corners and Fire Hydrants. No Street Tree shall be planted closer than the spacing requirements identified above in subsection (D)(1) to any crosswalk, stop sign, point of curvature of intersection curblines, or point of tangency of intersection curblines. No Street Trees shall be planted closer than 10 feet of any fire hydrant.
4. Utilities. No street trees other than Small Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

E. Soil Preparation, Planting, and Care. The developer or abutting property owner, as applicable, shall be responsible for ensuring the planting of street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or abutting property owner, as applicable, shall also be

responsible for ensuring the tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting. All trees shall be maintained and cared for in accordance with City ORDINANCE NO. 124, AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ESTABLISHING A CITY TREE ORDINANCE, as amended. Note: if at any time a street tree is substantially damaged by a vehicle or other means, it shall be the responsibility of the person causing the damage to replace the tree with one of similar species and size. Contact the City of Liberty Lake for additional information on street tree planting, pruning, and replacement.

F. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.

G. Street Tree List. The following list constitutes example Street Tree species for the City of Liberty Lake, Washington. The City of Liberty Lake is a Tree City USA and the program emphasizes native species and encourages species diversity. Similar trees may be used if permission is obtained by the Planning & Community Development Department. Additional information is available in City Ordinance No. 124.

1. Small Trees (shall only be used where utility conflicts exist):
   Crataegus x lavallei - Lavalle Hawthorne
   Fraxinus excelsior 'Aureafolia' - Golden Desert Ash
   Fraxinus pennsylvanica 'Johnson' – Leprechaun Ash
   Malus x 'Spring Snow' – Spring Snow Crabapple
   Prunus cerasifera 'Thundercloud' - Thundercloud Flowering Plum

2. Medium to Large Trees:
   Acer x freemanii 'Autumn Blaze' - Autumn Blaze Maple
   Acer griseum - Paperbark Maple
   Acer platanoides 'Crimson King' - Crimson King Norway Maple
   Acer platanoides 'Deborah' - Deborah Maple
   Acer platanoides 'Emerald Queen' - Emerald Queen Norway Maple
   Acer rubrum 'Autumn Flame' – Autumn Flame Maple
   Acer rubrum 'October Glory' - October Glory Red Maple
   Acer rubrum 'Red Sunset' - Red Sunset Red Maple
   Acer saccharum 'Commemoration' - Commemoration Sugar Maple
   Acer truncatum × Acer platanoides 'Norwegian Sunset' - Norwegian Sunset Maple
   Acer truncatum x platanoides "Warrenred' - Pacific Sunset Maple
   Cercidiphyllum japonicum - Katsura Tree
   Fraxinus pennsylvanica "Patmore' - Patmore Ash
   Fraxinus pennsylvanica 'Cimmzam' - Cimmaron Ash
   Ginkgo biloba 'Autumn Gold' - Maidenhair Tree / Autumn Gold Ginkgo
   Gleditsia triacanthos 'Shademaster' - Shademaster Thornless Honeylocust
   Gleditsia triacanthos 'Skycole' - Skyline Thornless Honeylocust
   Liquidambar styraciflua 'Moraine' - Moraine American Sweetgum
   Parrotia persica – Persian Parrotia
   Platanus x acerifolia 'Bloodgood' - Bloodgood London Plane Tree
   Pyrus calleryana 'Autumn Blaze' - Autumn Blaze Pear
   Pyrus calleryana 'Aristocrat' - Aristocrat Pear
   Pyrus calleryana 'Holmford' - New Bradford Pear
   Pyrus calleryana 'Redspire' – Redspire Pear

Quercus palustris - Pin Oak
Quercus rubra - Red Oak
Tilia americana 'Redmond' – Redmond Linden
Tilia cordata 'Greenspire' – Greenspire Linden
Tilia tomentosa 'Sterling' – Sterling Silver Linden

10-3C-5 Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Article 10-4H - Conditional Use Permits or Article 10-4C - Site Design Review. Walls built for required landscape buffers or as enclosures shall comply with Section 10-3C-3 subsections G and H.

B. Dimensions.

1. The maximum allowable height of residential fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for fences and walls exceeding 6 feet in height, in conformance with the Building Code, as well as retaining walls exceeding 4 feet in height.
2. The height of fences and walls within a front yard shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Sight-obscuring fences shall not exceed 3 feet in height.
3. Walls and fences to be built for required buffers shall comply with Section 10-3C-3 subsection G.
4. Fences and walls shall comply with the vision clearance standards of Section 10-3B-2, subsection N.

C. Materials. The following fencing materials shall be regulated within the City:

1. Barb wire or razor wire (prohibited in all Zones)
2. Chain link
   a. Prohibited in RD-R except when part of fencing for parks, open space or sports facilities in private/public parks. Chain link with black or green vinyl coating is approved for tennis courts, ball fields or other sports facilities.
   b. Prohibited in the RD-MU zone.
   c. Restricted in the RD-C zone to rear yard and side yard fencing only when the zoning of the adjacent land use is RD-C. Chain link is not allowed for side yards adjacent to public rights of way or driveways.

D. Maintenance. For safety and for compliance with the purpose of this article, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

Article 10-3D — Vehicle and Bicycle Parking

10-3D-1 Purpose

The purpose of this article is to provide basic and flexible standards for development of vehicle and bicycle parking. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. This article recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements. This article also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

10-3D-2 Applicability.

All new development shall comply with the provisions of this article.

10-3D-3 Vehicle Parking Standards

A. Vehicle Parking Minimum Standards. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in the public or private road right of way, garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), pathway, or landscape area. Parking facilities provided in the RD-M Zone and for Neighborhood Retail Clusters shall be located to the rear and/or side of buildings to enhance streetscapes and promote pedestrian access. Required parking spaces shall be calculated for primary and accessory uses.

Residential Uses	**Required Parking Spaces**
Accessory caretaker's residence	None
Accessory dwelling units (ADU's)	None
Single family detached housing / zero lot line / manufactured homes on individual lots	2 spaces per dwelling unit
Manufactured home parks	2 spaces per unit
Two-family and townhome housing	1.5 spaces per dwelling unit
Multi-family housing	
Studio or 1-bedroom units less than 500 sq. ft.	1 space per dwelling unit
1-bedroom units 500 sq. ft. or larger	1.0 spaces per dwelling unit
2-bedroom units	1.25 spaces per dwelling unit
3-bedroom or greater units	1.5 spaces per dwelling unit
Rooming and boarding houses, dormitories	One space for every 2 beds
Specialty housing	.5 space per bed, plus 1 space per employee on the largest shift

Commercial Uses	Required Parking Spaces
Auto, boat, recreational vehicle, trailer sales, etc., retail nurseries and similar bulk retail uses (additional parking for auto oriented sales display areas may be provided in accordance with the landscaping standards)	1 space per 1,000 gross square feet of the first 10,000 square feet of gross land area; plus 1 space per 5,000 gross square feet for the excess over 10,000 square feet of gross land area; and 1 space per two employees.
Automobile, etc. repair and rental	1 space per 500 gross square feet (3 spaces minimum required) Additional parking shall be provided for vehicles under repair or rental vehicles and the additional parking shall be enclosed within a building or with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
Business, general retail, personal services, animal health services	1 space per 350 gross square feet
Cultural centers, museums, and libraries, and athletic clubs, gyms, etc.	1 space per 350 gross square feet
Hotels and motels	.75 space per guest room, plus 1 space per employee on the largest shift, plus 1 space per 200 gross square feet of meeting or conference rooms (restaurants, etc. require additional spaces as set forth herein)
Offices	1 space per 450 gross square feet for general or 1 space per 350 gross square feet for medical and dental offices
Restaurants, bars, ice cream parlors and similar uses	1 space per four seats or 1 space per 200 gross square feet, whichever is less
Theaters, auditoriums, stadiums, gymnasiums, community centers, and similar uses	1 space per four fixed seats or 1 space per 75 gross square feet, whichever is greater
Industrial, Manufacturing, and Storage Uses	**Required Parking Spaces**
Industrial and manufacturing uses, except warehousing	1 space per two employees on the largest shift or 1 space per 700 gross square feet, whichever is less, plus 1 space per company vehicle
Self-service storage facility	1 space per employee, plus 1 space per 250 units (5 spaces minimum required)

Warehousing	1 space per 1,000 gross square feet or 1 space per two employees on the largest shift, whichever is greater, plus 1 space per company vehicle.
Recreation, Public and Institutional, and Other Uses	**Required Parking Spaces**
Child care centers having 13 or more children and nursery / pre-schools	1 space per two employees; a minimum of 2 spaces is required.
Chapels and mortuaries, and churches and similar places of worship	1 space per four fixed seats or 1 space per 150 gross square feet, whichever is greater.
Golf courses	8 spaces per hole, plus additional spaces for accessory uses set forth in this section. Miniature golf courses - 4 spaces per hole.
Group homes	1 space per employee, plus 1 space per 5 residents, plus 1 space per vehicle operated by the home or facility.
Hospitals	2.5 spaces per patient bed
Elementary and middle school / junior high	1.5 spaces per classroom, plus the requirements for auditorium areas as set forth herein.
High schools	1 space per classroom, plus 1 space per 5 students that the school is designed to accommodate, plus the requirements for auditorium areas as set forth herein.
Colleges, universities and trade schools	1.5 spaces per classroom, plus 1 space per 5 students that the school is designed to accommodate, plus the requirements for on-campus student housing (dormitories) as set forth herein.
Participant & spectator sports facilities	1 space per 150 gross square feet
Public utilities and facilities, not including offices	1 space per two employees on the largest shift, plus 1 space per company vehicle (2 spaces)
Recreational vehicle park / campground	1 space per stall

B. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided herein by more than 50%; except uses in the RD-C Zone are exempt from the maximum parking standards. Unless otherwise specified, all commercial and industrial uses may exceed the maximum number of parking spaces in order to provide .5 spaces per employee during the largest shift. Larger parking areas should be in a parking structure. If surface parking lots must be larger than 4 acres to meet the minimum required parking space requirements in this Code, additional landscaping shall be provided, at the discretion of the Director or his or her designee. Spaces provided on-street or within parking structures do not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking”, parking spaces for golf carts (as defined by City Ordinance 186, as amended), and electric vehicle spaces also do not apply toward the maximum number. Additionally, auto oriented sales display spaces that conform to the landscaping standards and auto repair or outdoor vehicle storage areas that are enclosed within a building or with a solid wall or fully sight obscuring fence to a minimum height of 6 feet, do not apply toward the maximum number of parking spaces. As outlined in Article 10-5B, the Director may approve variances to the minimum or maximum standards for off-street parking through a Class A Variance.

C. Unspecified Uses. Where a use is not specifically listed in subsection "A" above, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs or by utilizing the ITE Parking Manual. For all non-residential uses or for special cases involving new residential developments, the required minimum parking amount shall be determined by the City. For determination by the City, the Applicant shall supply:

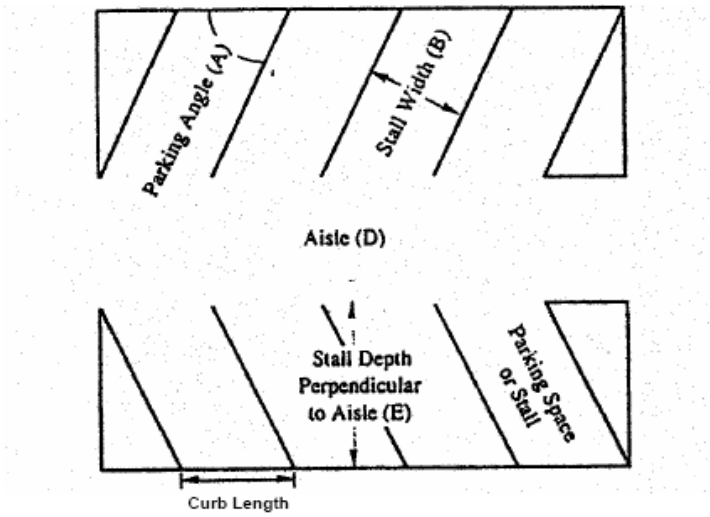
1. Documentation regarding actual parking demand for the proposed use; or
2. Technical studies relating the parking need for the proposed use; or
3. Required parking for the proposed use as determined by other comparable jurisdictions.

D. Credit for On-Street Parking. The amount of off-street parking required may be reduced by the amount of on-street parking reasonably available to the proposed development use. Reasonably available parking shall be that available within 100 feet of the property line of the proposed use.

E. Credit for Bicycle Parking. Bicycle parking may substitute for up to ten percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

F. Change of Use. When a change in the use of a building or site is proposed, the Applicant must provide documentation for City review and approval demonstrating how the parking requirements for the proposal will be met. This may include, the provision of additional onsite parking, shared parking, credit for on-street parking and/or a variance, in accordance with the provisions of this Chapter.

G. Parking Stall Standard Dimensions and Compact Car Parking. All parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping, and provide dimensions in accordance with the following table. Up to 15% of the required parking may be designed and labeled as compact. Compact stalls are 1' narrower and 2' shorter than standard stalls (i.e. a 9' x 18' standard stall would be an 8' x 16' compact stall). Compact stalls shall include landscape islands as required by Article 10-3C of this Code, except they can be 9' x 16'. Disabled person parking shall be provided in conformance with ADA requirements and the adopted Building Code.



Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
Parallel	9 ft.	24	12 ft.	24 ft.	9 ft.
30 Degree	9 ft.	18	12 ft.	24 ft.	17 ft.
45 Degree	9 ft.	12' 6"	14 ft.	24 ft.	19 ft.
60 Degree	9 ft.	10' 6"	18 ft.	24 ft.	20 ft.
90 Degree	9 ft.	9 ft.	24 ft.	24 ft.	18 ft.

H. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.
2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required

by this Article may be located on another parcel of land if on-site parking cannot be provided. The parcel shall be within 1000 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land or group of structures with reciprocal parking rights, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses less 20%, unless it can be shown that the peak parking demands are actually less than the sum of the requirement less 20% (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be further reduced accordingly.
4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

10-3D-4 Bicycle Parking Standards

All uses shall provide bicycle parking, in conformance with the following guidelines:

A. Number of Bicycle Parking Spaces. Unless specified in 1-7 below, at least one bicycle parking space shall be supplied per 50 required vehicle parking spaces with a minimum of 2 spaces provided. Generally, a bike rack(s) would be installed that have the capacity to accommodate the required number of spaces. Providing sheltered spaces (under an eave, overhang, independent structure, or similar cover) is encouraged.

The following additional standards apply to specific types of development:

1. Multi-Family Residences. Provide one bicycle parking space for every unit (structures with 4 or more units). This provision is met when enclosed parking garages or storage rooms for bicycles are provided for each unit.
2. Parking Structures and Park & Ride Facilities. All parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. Elementary and middle schools, both private and public. Provide one bicycle parking space for every 8 students that the school is designed to accommodate.
4. High schools, both private and public. Provide one bicycle parking space for every 20 students that the school is designed to accommodate.
5. Colleges and trade schools. Provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit.
6. RD-M Zone. Individual businesses shall provide their own bicycle parking, spaces may be clustered between businesses to serve up to six (6) bicycles or spaces may be provided as part of the public roadway improvements. One bicycle parking space shall be provided per 25 required vehicle spaces. Bicycle parking spaces should be located in front of the businesses, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Bicycle parking shall not interfere with pedestrian passage,

leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

7. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. One bicycle parking space per 25 motor vehicle parking spaces is recommended, with a minimum of 5 spaces.

B. Exemptions. This section does not apply to single family, two-family, and townhome housing (attached, detached or manufactured housing), home occupations, accessory dwelling units or other developments with fewer than 10 required vehicle parking spaces.

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters, and other pedestrian amenities.

D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

10-3D-5 Loading Space Standards

It is the intent of this section to require all future commercial, business, institutional, or industrial development to provide off-street loading facilities in order to guarantee full utilization of existing rights of way to accommodate present and future traffic demands.

A. Location and Design.

1. All off-street loading spaces shall be designed to minimize impacts on adjacent properties.
2. In all cases, loading facilities shall be located on the same lot as the structure they are designed to serve. Required yards cannot be used for loading. Off-street loading space shall not be included in an area used to satisfy off-street parking requirements.
3. Loading spaces shall be designed and located so vehicles using these spaces do not project into any public right-of-way or otherwise extend beyond property lines.
4. Loading spaces shall be designed and built so vehicles are not required to back to or from an adjacent street, except for minor access for heavy trucking in industrial zones on local access streets.
5. When a proposed structure is intended to be used concurrently for different purposes, final determination of required loading spaces shall be made by the Director, provided the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

B. Required Off-Street Loading Spaces. The minimum number of off-street loading spaces shall be required according to the following table, unless the number is reduced by the Director.

Use	Size	Required Spaces
Industrial, manufacturing wholesale, warehouse, and similar uses	Up to 40,000 sq. ft. 40,000 - 60,000 sq. ft. 60,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space; 2 spaces; 3 spaces; 3 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Offices, hotels/motels, and restaurants	Up to 60,000 sq. ft. 60,000 - 100,000 sq. ft. Over 100,000 sq. ft.	None; 2 spaces 2; spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Hospitals, nursing homes, and similar uses	Up to 40,000 sq. ft. 40,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space; 2 spaces; 2 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Retail and other commercial uses	Up to 10,000 sq. ft. 10,000 - 30,000 sq. ft. 30,000 - 100,000 sq. ft. Over 100,000 sq. ft.	None; 1 spaces; 2 spaces; 3 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000

10-3D-6 Drive-Through Facilities

The standards of this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to: Reduce noise, lighting and visual impacts on abutting uses, particularly residential uses; Promote safer and more efficient on-site vehicular and pedestrian circulation; Minimize conflicts between queued vehicles and traffic on adjacent streets.

A. Location and Design

1. The standards of this section apply to all uses that have drive-through facilities regardless of zone, including vehicle repair and quick vehicle servicing.

2. The standards of this section apply only to the portions of the site development that comprise the drive-through facility. The standards apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the standards of this chapter. Chapter 3 - Design and Maintenance Standards, as well as standards for specific land use zones, contain additional requirements regarding vehicle areas.

3. Parts of a Drive-through Facility. A drive-through facility is composed of two parts – the stacking lanes and the service area. A drive-through facility may also have a third part – an order menu. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

B. Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

1. Abutting a RD-R Zone. Service areas and stacking lanes must be set back five feet from all lot lines which abut Residential zones. The setback must be landscaped per the requirements of 10-3C-3 New Landscaping.

2. Abutting a RD-M or RD-C Zone. Service areas and stacking lanes must be set back five feet from all lot lines which abut Commercial or Industrial zones. The setback must be landscaped to the minimum requirements included in 10-3C-3 New Landscaping. .

3. Abutting a Street. Service areas and stacking lanes must be set back five feet from all street lot lines. The setback must be landscaped to the minimum requirements included in 10-3C-3 New Landscaping.

C. Vehicular Access

All driveway entrances, including stacking lane entrances, must meet driveway spacing requirements, unless otherwise authorized by the City. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

1. Stacking Lane Standards

These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

a. Gasoline Pumps. A minimum of thirty feet of stacking lane is required between a lot line and the nearest gasoline pump. The applicant must demonstrate to engineering services that sufficient queuing area is available such that vehicles in queue do not interfere with adjacent street traffic.

b. Other Drive-through Facilities.

i. Primary Facilities.
A minimum of eighty feet for a single stacking lane or eighty feet per lane

when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Stacking lanes do not have to be linear.

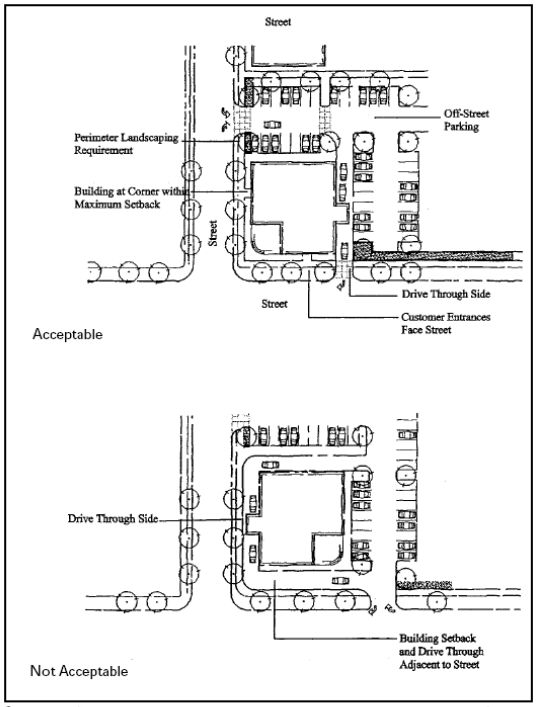
ii. Accessory Facilities.
A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

2. Stacking Lane Design and Layout.
Stacking lanes must be designed so that they do not interfere with parking, parking access and vehicle circulation.

3. Stacking Lanes Identified.
All stacking lanes must be clearly identified, through the use of means such as striping, landscaping and signs.

D. Off-site Impacts

Drive-through facilities must meet the off-site impact standards of this chapter regarding off-site impacts. When abutting land zoned RD-R, drive-through facilities with noise-generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners and exterior air compressors.



Site layout for drive through uses should place parking and driveways away from pedestrian areas.

10-3D-7 Electric Vehicle Infrastructure (EVI)

Electric Vehicle Infrastructure, as defined by RCW 35A.63.107 shall be allowed as an accessory use within any parking lot / area or within a garage or parking structure. Site and landscaping requirements identified in this Code shall apply, as applicable.

A. Residential Zones. EVI in residential zones shall be limited to residential use and shall not be used for purposes of wholesale or retail sales.

B. Other Zones. EVI for commercial and industrial uses should be designed and sized proportionately to accommodate the demand of the underlying permitted, limited, or conditional use and shall be suitable for the desired location.

1. Design Criteria and Guidelines.

a. Minimum Number. There is no required minimum on the number of parking stalls for electric vehicle recharge stations. Electric vehicle recharging stations may utilize required parking spaces and are exempt from maximum parking standards.

b. Parking Space Size. Electric Vehicle charging stations should be sized the same as a regular parking space as identified in this Code.

c. Lighting. Unless the charging station is designated as day time use only, adequate lighting shall be provided for the charging station, consistent with the standards identified in this Code.

d. EVI Signage. Signage should be posted to identify each charging station space as an electric vehicle charging station and identify any restriction such as use limits, towing provisions etc. Signage shall be consistent with the following guidance documents: “Electric Vehicle Infrastructure: A guide for Local Government in Washington State” (July 2010) or the Manual on Uniform Traffic Control Devices (MUTCD).

e. Notification of station specifics. Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.

2. Public Streets. Generally electrical vehicle charging stations should not be allowed within the publicly owned right of way. Placement of electric vehicle charging stations proposed to be located in the publicly owned right of way shall serve a public purpose and receive the approval of the City Engineer.

3. Maintenance. Maintenance of the electrical vehicle charging station, including but not limited to functionality of the station, shall be the responsibility of the property owner.

Article 10-3E — Signage Standards

Please refer to the City Development Code Article 10-3E Signage Standards

Article 10-3F — Other Design Standards

10-3F-1 Solid Waste Storage

Solid waste shall not be stored on public or private property for more than two (2) weeks. Except for single, two-family, and townhome housing residential waste & recycle containers, all other solid waste storage areas containing trash dumpsters, compactors, etc. and recycle bins are to be screened from adjacent properties and public rights-of-way in accordance with Section 10-3C-3, subsection H.

10-3F-2 Lighting

A. Purpose. The purpose of this Section is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this Section are intended to control glare and light trespass. It is the intent of this Section to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

B. Applicability.

1. All outdoor lighting fixtures installed on private and public property shall comply with this Section. This Section does not apply to interior lighting; provided, that if it is determined by the Director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this Section. Lighting shall also comply with the Non-Residential Energy Code (NREC), as applicable.

2. In the event of a conflict between the requirements of this Section and any other requirement of the City of Liberty Lake Municipal Code the more specific requirement shall apply.

3. Exterior lighting plans and fixture specification sheets (cut sheets) must be supplied to the City to review for compliance with this Section.

C. Exemptions. The following are exempt from the provisions of this Section provided that they have no glare or other detrimental effects on adjoining streets or property owners:

1. Traffic control signals and devices;

2. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;

3. Moving vehicle lights;

4. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Liberty Lake Municipal Code requires lighting that cannot comply with this Section. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;

5. Outdoor lighting approved by the Director for temporary or periodic events (e.g., fairs, nighttime construction);

6. Internally illuminated signs and searchlights permitted under the City Signage Standards (Article 10-3E);

7. Private swimming pools;

8. Seasonal holiday decorations;

9. Window displays;

10. Pedestrian walkway lighting;

11. Residential lighting; and

12. Street lights shall be designed and installed per Section 10-3G-2, subsection W of this Code.

D. General Standards. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass onto adjacent properties under separate ownership (see Figure 2 in subsection F of this section);

2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 and 2 in subsection F of this section. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky;

3. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as the Spokane River, unless it is a navigational light subject to state or federal regulations;

4. Accent lighting shall be directed onto the illuminated object or area and not toward the sky or onto adjacent properties under separate ownership. Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge; and

5. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,220 lumens output) and comply with other standards in this section.

6. All outdoor lighting fixtures must have an IDA Fixture Seal of Approval or equivalent certification, as applicable.

E. Prohibited.

1. The following fixtures (luminaires) are prohibited:

a. searchlights for any other purpose other than temporary emergency lighting or as allowed under the City Signage Standards (Article 10-3E);

b. laser lights or any similar high-intensity light for outdoor use or entertainment;

c. quartz lamps; and

d. mercury vapor lamps.

2. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this Section.

F. Figures of Acceptable Shielding and Direction of Outdoor Light Fixtures. The following figures illustrate acceptable and unacceptable outdoor lighting fixtures in the City:

Figure 1: Freestanding Outdoor Lighting Fixtures

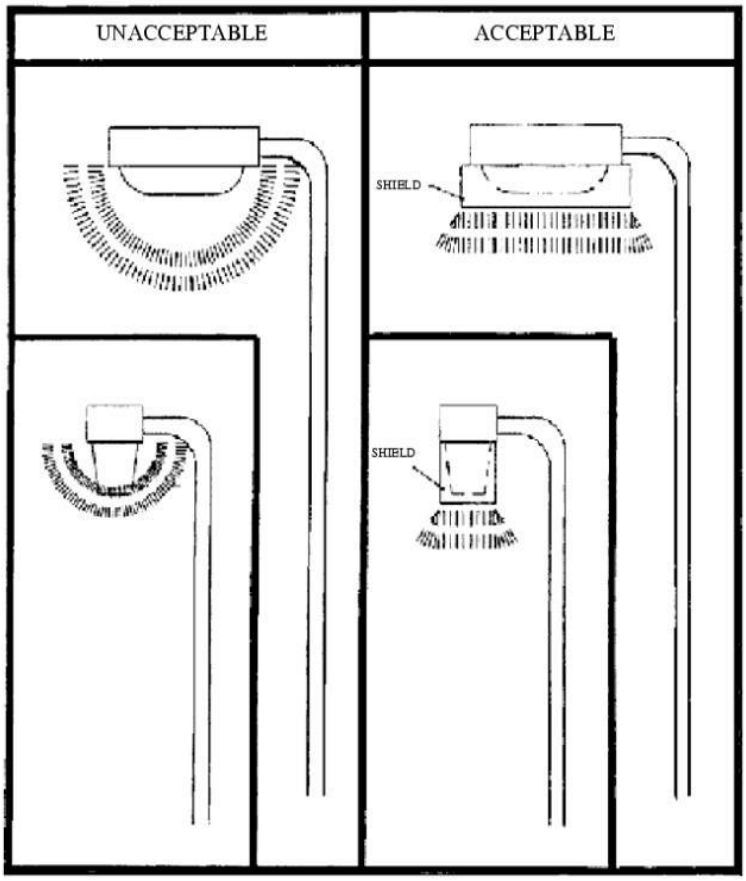
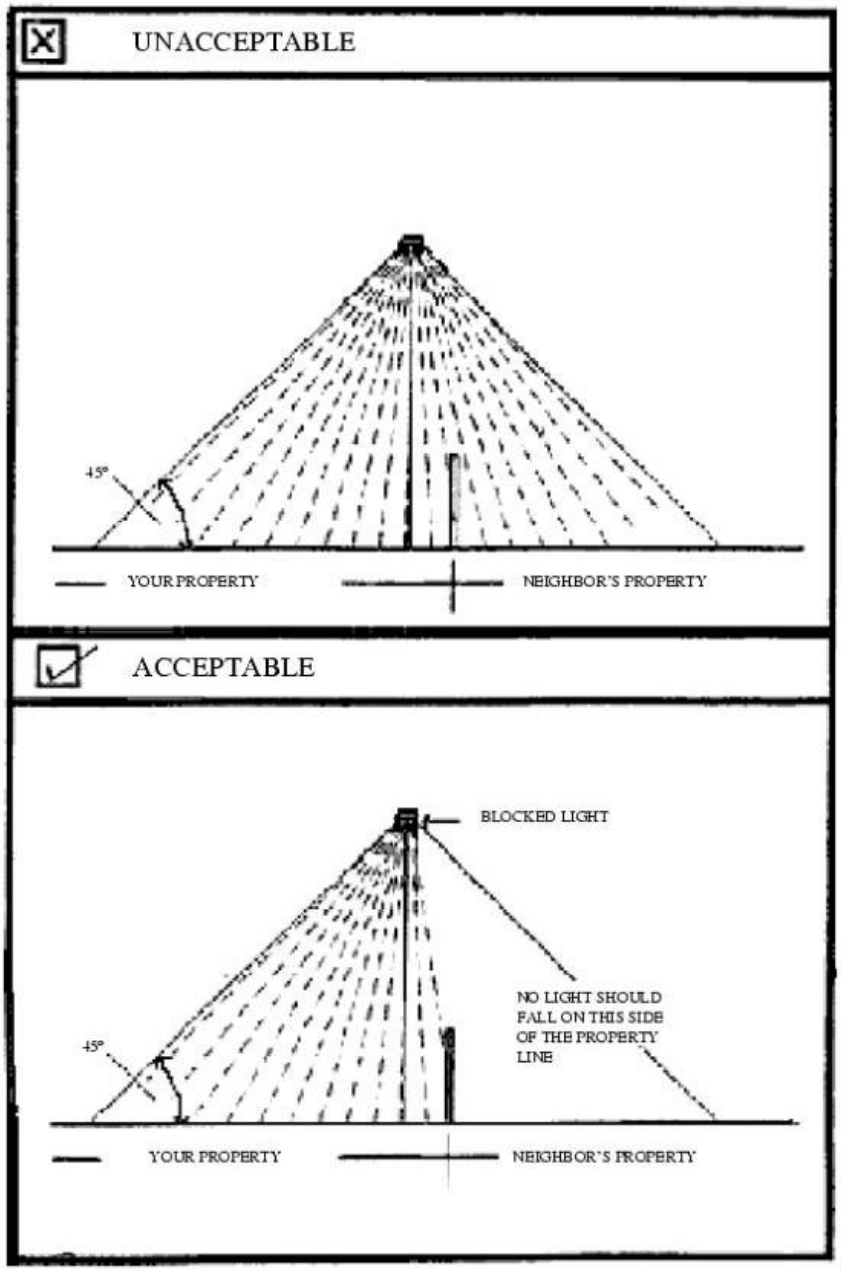


Figure 2: Outdoor Lighting Fixtures – Street and Lot Light Cut-off at Property Line



G. Lamp or Fixture Substitution. Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Director for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

H. Administration. Outdoor lighting plans shall be reviewed by the Planning & Community Development Department. Approval of the plan shall be based on conformance with this Section. The Director has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare.

10-3F-3 Clearing and Grading

A. Applicability. All activities that involve the clearing, grading, filling, and/or covering of the ground shall apply for and receive a clearing and grading permit prior to commencing work, unless specifically exempted.

B. Exempt Activities. The following activities may be exempt from the requirements of this chapter unless it involves a drainage course, wetlands, environmentally sensitive areas, areas of special flood hazard, and/or archaeological sites:

1. Construction or maintenance of public roads when done by a public agency when the project has completed an environmental checklist, has been approved by the City, and the work is in existing or future public right-of-way;
2. The installation of utilities in accordance with a valid permit, franchise or road construction plan from the city, well drilling activities, or excavation for soil logs;
3. Routine maintenance and operation activities at cemeteries;
4. Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property;
5. The broadcasting of less than 100 yards of peat, sawdust, mulch, bark, or chips on a lot, tract or parcel of land, or the broadcasting of any amount of the above material to a maximum depth of eight (8) inches; or
6. Broadcasting of five yards or less of topsoil or soil nutrients not more than four (4) inches deep; or
7. Landscaping and minor home improvement activities that do not involve heavy equipment such as excavators, bulldozers, etc.

C. Application Requirements. Unless specifically exempted by the City, all clearing and grading activities, must receive a City permit or written approval. Applications shall be submitted on forms provided by the City, provided that the City may authorize the submittal of the required information as a part of a related application, such as a building permit.

1. Minor Clearing and Grading Activities. Nonexempt clearing, grading, filling, and excavation activities that do not involve a total of more than 100 cubic yards throughout the lifetime of the project, and that do not involve or adversely impact environmentally sensitive or critical areas, as determined by the City, may be considered minor clearing and grading activities; provided, that the City may determine that a proposed activity that otherwise meets the criteria of a minor clearing and grading permit shall be processed as a major clearing and grading permit based on a finding of unique and unusual circumstances or to protect the public health and safety.
2. Major Clearing and Grading Activities. All nonexempt clearing, grading, filling, and excavation activities that do not meet the minor clearing and grading criteria shall be considered major clearing and grading activities. The City may require that applications for major clearing and grading activities include plans stamped by a licensed geotechnical engineer and/or may require financial guarantees to ensure that neighboring properties, environmentally sensitive areas, and/or historical or archaeological sites are not adversely affected.

3. All clearing and grading permit applications must be submitted and shall be processed concurrently with all associated permits and approvals.

    a. A SEPA Checklist shall be required for all clearing and grading activities, unless it is determined by the City to be exempt from the environmental review requirements of Title 10, Chapter 6 of the City of Liberty Lake Development Code.

    b. Clearing and grading permits shall be processed as an Exempt or Type 1 project permit (in accordance with Article 10-4B) unless it is a part of a development activity that is subject to a Type 2 or 3 project permit (Article 10-4B).

D. Design Criteria. All work must be designed to a standard as required by the City and will follow standards of good engineering practices and principles. The applicant will be responsible for providing a design that is acceptable and, when constructed, a facility that can be easily maintained by the property owner. If circumstances create a hazard to life, endanger or adversely affect the use or stability of a public or private way or drainage courses, the City may impose additional or greater requirements to fulfill the intent of this Chapter.

1. All clearing and grading activities shall include temporary erosion control and stormwater management provisions designed and implemented in accordance with the requirements of the City's Engineering and Design Manual, unless specifically exempted by the City.

2. Excavation Standards – Cut Slopes.

    a. The top of cut slopes shall be set back from the site boundary at a 2.5:1 ratio (depth x 2.5) unless a retaining wall or swimming pool wall is designed by an engineer and constructed for the project.

    b. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two and one half horizontal to one vertical (2.5:1), or as recommended by a soils engineer.

3. Fill Standards.

    a. The toe or catch point of fill slopes shall be set back from the site boundary at a 2.5:1 ratio (depth x 2.5) unless a retaining wall or swimming pool wall is designed by an engineer and constructed for the project.

    b. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two and one half horizontal to one vertical (2.5:1), or as recommended by a soils engineer.

    c. Fill which is intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC/IRC, as adopted by the City.

    d. Fill sites must be approved by the engineer as suitable locations for the proposed fill.

    e. Preparation of Ground. The ground surface for fills over five feet in height shall be prepared by removing vegetation, unsuitable fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill, and, where existing slopes are steeper than five horizontal to one vertical, by benching into competent material as determined by the engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical shall be at least 10 feet wide, or as recommended by a soils engineer.

f. Fill Material. Except as permitted by the City, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.

g. Slope Stability. Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.

E. Review coordination.

1. A grading permit will not be granted by the City until all other project-related public governmental agencies' approvals, if required, are received. Conditions imposed by other governmental agencies affecting the permit must be incorporated into the project's design and implemented by the applicant.

2. Issuance of a grading permit for the purpose of project site preparation may be withheld until all applicable permits or approval for the proposed project are obtained by the applicant.

3. When development is intended or proposed on a site affected by issuance of a grading permit, work allowed by the grading permit shall be subordinate to future site development conditions or requirements.

4. The issuance of a grading permit shall not relieve the applicant from complying with other applicable city zoning or land use regulations.

F. Financial Guarantees.

1. Guarantee Required. Prior to issuance of a permit, the applicant may be required to submit a financial guarantee to the City to assure compliance with the provisions of this chapter, the permit and approved plans. Improvements and facilities that must be guaranteed by the applicant are, but are not limited to, temporary and permanent erosion and sedimentation control work, drainage control work and restoration work.

2. General. Financial guarantees shall be in a form acceptable to the City and will not be released by the city until all work is completed in accordance with the approved plans and conditions of the permit. All work must be completed within the time limits as noted on the permit or the approved plan for the project. If not completed, the city may use the financial guarantee to complete the work as outlined in the permit or approved plans, or complete those items of work that would safeguard adjacent or downstream property owners or may deposit the financial guarantee in a designated account as contribution toward the cost of completing the work. Collection of the financial guarantee does not relieve the applicant of the responsibility to complete the work and the city may act as necessary to ensure completion of the work.

3. All financial guarantees shall run continuously until released by the City and shall not be subject to an expiration or cancellation date.

4. An engineer's estimate for the work to be accomplished, based on current construction costs, must be submitted to the City for review and approval. The City will establish the minimum financial guarantee at 150 percent of the estimate to allow for inflation, engineering expenses and administrative costs should the city have to complete the work. The City shall retain from the funds all costs associated with administration, collection of the funds and completion of the guaranteed work.

5. Upon receipt of an acceptable letter of completion from the applicant's architect or engineer, the City will release the applicable financial guarantee; provided, that the City may retain a portion or require a new financial guarantee to ensure that the improvements are adequately maintained and perform as designed.

G. Change of conditions.

Should the City become aware of conditions that invalidate the original design data used to obtain the permit or determine that the applicant is not complying with the conditions of the permit or approved plans, the city may revoke the original permit and/or order work stopped on the project. The City may require the applicant to resubmit information or plans for review and approval and apply for a new permit. The City may order all or part of the permitted work stopped for any period of time for any of the following reasons:

1. The applicant fails to comply with the conditions of the permit;

2. The permit was granted on the basis of erroneous information submitted to the City by the applicant;

3. The weather or weather-created conditions cause off-site or downstream drainage or water quantity or quality problems; and/or

4. The work has become a hazard to life, endangers property or adversely affects the use or stability of a public way or drainage course.

H. Approval and inspection process.

1. Obligations of Engineer. The applicant shall be responsible for the inspection and approval of all work on private property as shown on the approved plan. This shall include, but is not limited to, all grading work, drainage facilities and erosion and sedimentation control facilities or other work approved for the project.

2. Notification of Completion. The applicant or his/her designee shall submit a letter to the City certifying that the completed project conforms to the conditions of the permit and approved plans and all grading work, drainage facilities, erosion control measures, etc., have been completed in accordance with the issued permit. The report shall be stamped and signed by the engineer and shall be worded as follows:

   "I have inspected the project and find that the work substantially conforms to the terms and conditions of the permit and the intended design for the project."

   Minor alterations to the system must be listed in the approval letter or noted on reproducible as-built drawings which must be submitted with the approval letter.

3. City Inspection. After receipt of the notification of completion the City shall make a final inspection of the project.

Prior to completion of a project and/or the issuance of a certificate of occupancy, all temporary erosion control measures shall be removed and all final storm water measures installed and fully functional.

Article 10-3G — Public Facilities Standards

10-3G-1 Purpose and Applicability

A. Purpose. The purpose of this article is to provide planning and design standards for public and private motorized and non-motorized transportation facilities and utilities.

B. When Standards Apply. Unless otherwise provided in the RD roads standards, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this article and the City of Liberty Lake Engineering Design Standards. No development may occur unless the public facilities related to development comply with the public facility requirements.

C. Standard Specifications. 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 Engineering Design Standards and they are incorporated in this code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be directly attributable and roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

10-3G-2 Transportation Improvement

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street. Streets within or adjacent to a development shall be improved in accordance with the River District SAP, the provisions of this article, and the City of Liberty Lake Engineering Design Standards.

1. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this article and the City of Liberty Lake Engineering Design Standards as modified by the RDSAP. Public streets shall be dedicated to the applicable city, county or state jurisdiction;
2. New streets and drives shall be paved; and
3. The City may accept a future improvement guarantee [e.g., owner agrees not to object against the formation of a local improvement district in the future in lieu of street improvements if one or more of the following conditions exist:
   a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
   b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
   c. The improvement would be in conflict with an adopted capital facility plan; or

d. The improvement is associated with an approved land division on property zoned residential and the proposed land division does not create any new streets.

e. The improvement is part of the proposed Liberty Lake Transportation Mitigation Plan, when adopted.

4. Privately owned and maintained streets may be allowed. However, streets must meet all the design and construction standards required in the RD-SAP, as reviewed and approved by the City Engineer concurrent with AASHTO or current applicable standards. A homeowner's or property owner's association must be established to provide for street repair and maintenance.

B. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final plat, binding site plan, or short plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation Improvement Plan, and the deeded right-of-way conforms to the standards of this Code and the City of Liberty Lake Engineering Design Standards. All deeds of dedication shall be in a form prescribed by the Director and shall name "the public," as grantee.

C. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access by private roadway, driveway, alley, or auto-court lane.

D. Street Location, Width, and Grade. Except as noted below, the location, width, and grade of all streets shall conform to the Transportation Improvement Plan, as modified by the RDSAP, the City of Liberty Lake Engineering Design Standards; and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience, and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with the City of Liberty Lake Engineering Design Standards.

2. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:

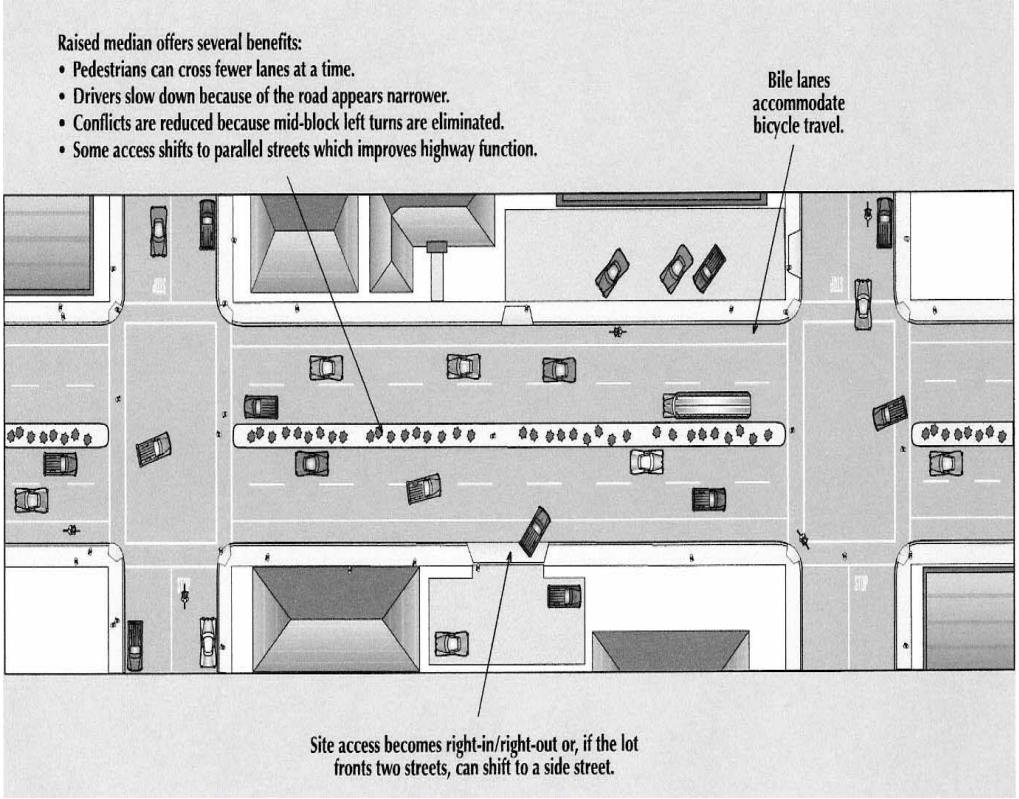
a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this article and the City of Liberty Lake Engineering Design Standards, or

b. Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

E. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths listed in the City of Liberty Lake Engineering Design Standards, as modified by the RDSAP and as reviewed and approved by the City Engineer. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the RDSAP;

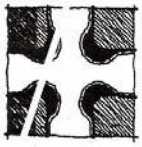
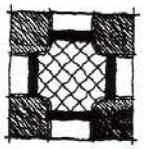
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize or prevent drainage, slope, and critical area impacts, as identified by the Comprehensive Plan;
8. Safety and comfort for motorists, bicyclists, and pedestrians;
9. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
10. Access needs for emergency vehicles; and
11. Transition between different street widths (i.e., existing streets and new streets), as applicable.



F. <u>Traffic Signals and Traffic Calming Features.</u>

1. Traffic-calming features, such as traffic circles / modern roundabouts, curb extensions, narrow residential streets, and special paving are encouraged to slow traffic in neighborhoods and areas with high pedestrian traffic.
2. Traffic signals or traffic circles / modern roundabouts shall be required with development when traffic signal warrants are met. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate

need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

Drawing	*Technique*	*Description*
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

Traffic Calming Features

G. <u>Street Alignment and Connections.</u>

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, parks, and transit facilities.

H. <u>Sidewalks, Planter Strips, Bicycle Lanes.</u> Separated sidewalks with planters shall be required along both sides of streets in all new developments, unless existing sidewalks prohibit the use of separated sidewalks or physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the City and additional sidewalks or pathways will be required within the development or the City. The use of urban streetscapes is encouraged in mixed use zones and designs shall be reviewed for compliance with the intent of the street tree and sidewalk standards. Maintenance of

sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner and sidewalks shall be kept free of obstructions to pedestrians at all times. A planter strip, consistent with the RDSAP road design sections, shall be included on public and private roads. The required planter strip shall not be used for stormwater treatment or disposal.

I. 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. See the City of Liberty Lake Engineering Design Standards for details

J. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of this article.

K. Cul-de-sacs. A cul-de-sac should be no more than 200 feet long and used on a limited basis when environmental, site/project specific, topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation

L. Grades and Curves. Grades shall not exceed standards in the City of Liberty Lake Engineering Design Standards.

M. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps, and driveway approaches shall be constructed in accordance with City Standards.

N. Alleys, Public or Private. Alleys shall conform to the standards in this Code and the City of Liberty Lake Engineering Design Standards. 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.

O. 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 Engineering Design Standards

P. 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 be permitted. Street names, signs, and numbers shall conform to the established pattern in the City. 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.

Q. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be

reestablished and protected.

R. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names, unless it is delegated to the developer. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required. Street sign posts shall comply with City Standards.

S. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.

T. 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. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway, unless otherwise approved by the City Engineer. Street construction shall comply with the City of Liberty Lake Engineering Design Standards. Street improvements shall be in place prior to the issuance of a Certificate of Occupancy on any structure.

10-3G-3 Public Use Areas

The River District Specific Area Plan proposes a combination of public and private parks, greenways, and private open space areas. The SAP Park and Greenway plan and in 3.6 Land Use Analysis – Open Space identifies the areas, general configuration, size, and the aggregate acreage. It is intended to provide a flexible guide for the size, location, use, and configuration of park and open space areas. It is anticipated the final size, location, and configuration of public and private open space will evolve over the 25 year development time frame for the project. In the development of the land within the SAP, the following dedication requirements shall apply:

A. Dedication Requirements:

1. Private Parks or Greenway Dedications. Land set aside for private parks or greenways shall be dedicated to a Home Owner Association or related private entity responsible for the ownership and maintenance of said property. Private park and greenway dedications shall include provisions for public easement access.
2. Public Park Dedications. Land set aside for public parks or greenways shall be dedicated to and accepted by the city. The City shall agree to a general park development plan at the time of title transfer. Land dedicated for public park use shall include covenant language that would require that the property be used and developed for use as a public park. The City may not transfer or use land dedicated for park and open space use for any other purpose.

3. Location of Dedications. The SAP shows the general size and location of public and private parks and greenways. As development occurs within the SAP, the developer and the city shall work concurrently to identify the size, location, and configuration of proposed parks and greenways consistent with the city's adopted Parks, Recreation, Open Space, and Trails Plan. All proposed residential uses within the SAP shall be located within ½ mile of a public or private park or greenway area.
4. Timing of Dedications. Dedications shall occur in phases as part of the final platting of the property. Dedication of land to the City shall be coordinated between the City and the Developer dependent upon availability of access and utilities and the City timeline for development of park improvements.
5. Private Open Space Areas. Private open space areas will be part of the development of private projects and will occur when those properties are developed. The open space areas that will be part of residential, office, mixed use, and commercial developments will be owned and maintained by the project developer and owner. The private open space areas will be primarily for the use and benefit of the occupants or tenants of the project and will generally not be open for general public use.

B. Reservations and Acquisition by Public Agencies. Land reserved for acquisition by a Public Agency shall be secured with an agreement for purchase upon reservation. Land reserved for a park, playground, or other public use shall be acquired by the appropriate public agency within the defined period, mutually agreed upon time schedule, and price.

C. System Development Charge / Mitigation Fee / Impact Fee Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge, mitigation fee, or impact fee for parks, as applicable.

10-3G-4 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted construction specifications and the applicable Comprehensive Plan policies.

B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City and the utility purveyor has approved all sanitary sewer and water plans.

C. Over-sizing. Proposed sewer and water systems should be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer may be entitled to a system development charge or impact fee credits for the oversizing, if applicable.

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in RCW 35A.63.220.

10-3G-5 Storm Drainage Improvements

The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Article 10-3H - Stormwater Management.

10-3G-6 Utilities

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground if screened, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

   1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Section 10-3B-2, subsection N);
   2. The City reserves the right to approve the location of all surface mounted facilities;
   3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
   4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, critical areas, or existing development conditions, as determined by the Director/designee.

10-3G-7 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be dedicated on a final plat, or provided for in recorded easements. See also, Article 10-4C - Site Design Review, and Article 10-4D - Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 10 feet when adjoining a public right-of-way, and 20 feet when private property is located on both sides of the easement, unless otherwise specified by the utility company, applicable district, or the City Engineer.

10-3G-8 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray

the cost and expenses incurred by the City or applicable district for construction and other services in connection with the improvement. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements

10-3G-9 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this article, approved construction plans, and to improvement standards and specifications adopted by the City, including the City of Liberty Lake Engineering Design Standards.

B. Adopted Installation Standards. The most current edition of the Standard Specifications for Road, Bridge, and Municipal Construction from WSDOT, shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

C. Commencement. Work shall not begin until the City has been notified two (2) working days in advance and a pre-construction meeting has been held.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Article 10-4F

- Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 set(s) of "as-built" plans and one reproducible original plan, in conformance with the City Engineer's specifications, for permanent filing with the City.

Article 10-3H — Stormwater Management

10-3H-1 Spokane Regional Stormwater Manual (April 2008)

All development within the City shall comply with the Spokane Regional Stormwater Manual (April 2008), as amended by the City of Liberty Lake through the City's adopted Engineering Design Standards. The Manual serves as a single technical stormwater manual for the Spokane region. It provides uniform stormwater management standards and is a central repository for Best Management Practices (BMPs).

In addition to the standards set out above, the following standards shall be required in the River district SAP:

A. No stormwater may be treated in bio-swales located in a required parking strip between the curb and sidewalk. Stormwater swales may be located behind the curb but outside of the required parking strip.

B. No stormwater swales may be located within the required landscape areas of a parking lot.

Article 10-3I — Property Maintenance Standards

10-3I-1 Purpose

The purpose of this Title is to protect the health, safety and welfare of Liberty Lake citizens, to prevent deterioration of existing housing, and to contribute to vital neighborhoods by:

A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, sanitation, fire safety, and maintenance.

B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.

C. Regulating dilapidated buildings.

10-3I-2 Applicability

The provisions of this Article shall apply to all property in the City except as otherwise excluded by law. Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Article shall be in accordance with the Development Code, applicable Building Regulations, and any applicable County, State, and/or Federal laws or regulations. If any portion of this article is in conflict with any other regulations of the City Municipal Code, the more restrictive shall apply and the procedures for administration and enforcement specified within this article shall always apply.

10-3I-3 General Outdoor Maintenance Requirements

A. Maintenance Requirements. It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

1. Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.
2. Unsecured structures. Board over or otherwise secure, and maintain, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.
3. Vermin harborage. Remove or repair and prevent, any condition that provides a place where vermin gain shelter, feed, or breed.
4. Emergency access routes. Remove and maintain all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.
5. Thickets that conceal hazards. Cut, remove, and maintain all vines and other thickets when such growth is found to be:
   a. Concealing trash and debris; or

b. Creating vermin harborage; or

c. Creating harborage for people involved in criminal activity or for products used for criminal activity.

6. Overgrown lawn areas, fields, and vegetation. Weeds, grass, or other uncultivated vegetation prohibited by this Code whether located on developed or undeveloped property shall be cut and removed. A property owner has a further duty to remove or destroy all uncultivated grass and weeds, including dead shrubs, bushes and trees which have no appreciable, practical use or value to the property, create a fire hazard or pose a menace to public health, safety or welfare. The word “weeds” shall include noxious weeds regulated pursuant to RCW Chapter 17.10.

7. Trash and debris. Remove and maintain, unless specifically authorized by ordinance to do otherwise:

   a. All household garbage, offal, dead animals, animal and human waste, and waste materials (All household garbage shall be stored as specified in Section 10-3I-4);

   b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

   c. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating vermin harborage, as otherwise defined in this article; and

   d. Accumulations of clothing and any other items not designed for outdoor storage.

8. Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

   a. Accumulations of wood pallets.

   b. All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.

   c. Accumulations of vehicle parts or tires, unless the parts or tires are enclosed within a legally permitted structure.

   d. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

   e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

   f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

   g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

   h. All other non-trash items which are of a type or quantity inconsistent with normal and usual use or are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9. Junk vehicles. No junk vehicles, as such term is defined in RCW 46.55.010, shall be stored on any property within the City for a period exceeding 30 days, unless the same is stored on private property within an enclosed, legally permitted structure or is covered by a vehicle cover intended for such purpose. A junk vehicle does not include a motor vehicle which is in the process of being repaired as evidenced by the good faith efforts of the vehicle owner, as defined in City Ordinance No. 109. Removal and abatement of such junk vehicles shall be in accordance with the provisions of ORDINANCE NO. 109, AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON RELATING TO JUNK VEHICLES INCLUDING PROCEDURES FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES.

10. Obstructions to sidewalks, streets, and other rights of way. Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:

11. Sidewalks. When any street is improved with a sidewalk along either or both sides thereof, the duty to clean and maintain the same shall be upon the abutting property owner. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, by removing snow and ice, or any accumulation of debris, materials or objects where the same endangers or interferes with the public convenience in the use of such sidewalks. All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7-1/2 feet above the sidewalk level must be removed.

12. Improved streets. All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 13' 6" above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 13' 6" above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 13' 6".

13. Alleys and unimproved rights of way. All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

B. <u>Other Endangering Conditions</u>. It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

1. Any damage to or failure of an on-site sewage disposal system, private sewer line, or storm water system, and

2. Any other substance, material, or condition which is determined by the Director to endanger neighboring property, the health or safety of the public, or the occupants of the property.

10-3I-4 Housing Maintenance Requirements

A. General Provisions. No owner shall maintain or permit to be maintained any residential property which does not comply with the requirements of this article. All residential property shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair.

B. Display of Address Number. Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

C. Accessory Structures. All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

D. Roofs. Roofs shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

E. Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

F. Foundations and Structural Members.

1. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
2. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

G. Exterior Walls and Exposed Surfaces.

1. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
2. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
3. Exterior metal surfaces shall be protected from rust and corrosion.

4. Every section of exterior brick, stone, masonry, or other veneer, shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

H. Stairs and Porches. Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

I. Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.
2. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
3. Where not otherwise required by original building codes, porches, balconies, or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

J. Windows and Doors. All windows and doors, including garage doors shall be maintained in an operable condition and capable of performing their intended purpose.

K. Insect and Vermin Harborage. Every dwelling shall be kept free from insect and vermin infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

L. Cleanliness and Sanitation.

1. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.
2. The interior of every dwelling shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.
3. The owner of any residential rental property shall provide in a location accessible to all dwelling units at least one 30 gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, into which garbage and rubbish from the dwelling units may be emptied for storage between days of collection. Receptacles and lids shall be watertight and provided with handles.

All receptacles shall be maintained free from holes andcovered with tight-fitting lids at all times. The owner of the units shall subscribe to and pay for weekly garbage removal service for the receptacles required by this subsection.

M. Maintenance of Facilities and Equipment. In addition to other requirements for the maintenance of facilities and equipment described in this article:

1. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.
2. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

N. Overcrowding. No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there is more than 1 resident per 200 gross square feet of dwelling, or as defined in the adopted Building Code.

10-3I-5 Administration and Enforcement

All conditions in violation of Article 10-3I of this Code shall constitute a code violation. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to the penalties provided for by Article 10-1D — Enforcement. In cases where the Director determines that it is necessary to take immediate action in order to meet the purposes of this article, the issuance of an emergency order shall be authorized, as outlined in Section 10-1D-9.

CHAPTER 4
APPLICATIONS AND REVIEW PROCEDURES

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Article 10-4A —

Administration of Land Use and Development Permits

Sections:

10-4A-1 **Introduction**

10-4A-2 **Concurrency**

10-4A-1 Introduction

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

10-4A-2 Concurrency

A. Concurrency Facilities and Services.

1. Applicability. The following facilities and services must be evaluated for Concurrency:
   a. Public Water
   b. Public Sewer
   c. Transportation
   d. Stormwater
   e. Law Enforcement
   f. Parks and Open Space
   g. Libraries
   h. Solid Waste Disposal
   i. Street Cleaning
   j. Public Transit
   k. Fire and Emergency Services
   l. Public Schools
2. Direct Concurrency. Transportation, Public Water, and Public Sewer shall be considered Direct Concurrency Services. Concurrency requirements for public water and public sewer service are detailed in Section 10-4A-2, subsection F below. A financial guarantee for required improvements can be used to "final a project", but transportation facilities serving a development must be constructed prior to occupancy. Applicable permit/project applications shall require Transportation Concurrency Review, described below. A Concurrency Certificate shall be issued to development proposals that pass the Transportation Concurrency Review.
3. Indirect Concurrency. Stormwater, Law Enforcement, Parks and Open Space, Libraries, Solid Waste Disposal, Street Cleaning, Public Transit, Fire and Emergency

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

B. Transportation Concurrency and Review.

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

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

2. The following shall be exempt from Concurrency Review:
   a. Project permits that were issued, or project applications that were determined to be complete (see RCW 36.70B) prior to the effective date of these Concurrency Regulations.
   b. Any project permit that will have insignificant transportation impact, and that will not change the traffic volumes and flow patterns in the peak travel periods, as determined by the Planning & Community Development Director.
   c. The following project actions:
      i. Boundary line adjustments;
      ii. Final Plats/ Final PUD's/ Final Short Plats/ Final Binding Site Plans;
      iii. Temporary Use Permits;
      iv. Variances.
   d. Proposed project permits/project applications that do not create additional impacts on transportation facilities. Such projects may include but are not limited to:

i. Any addition or accessory structure to a residence with no change or increase in the number of dwelling units, up to 4 units;

ii. Interior renovations with no change in use or increase in number of dwelling units, up to 4 units;

iii. Any addition, remodel, or interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.

C. Transportation Concurrency Review Procedures.

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

2. Procedures.

a. Applications for Transportation Concurrency Review shall be submitted on forms provided by the City.

b. Transportation Concurrency Review shall be performed for the specific property, uses, densities, and intensities based on the information provided by the Applicant/Property Owner. The Applicant/Property Owner shall specify densities and intensities that are consistent with the uses allowed.

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

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

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

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

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

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

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

4. Concurrency Certificate.
    a. A Concurrency Certificate shall only be issued upon payment of any concurrency or mitigation fee due.
    b. A Concurrency Certificate shall apply only to the specific land uses, densities, intensities, and project described in the application and project permit.
    c. A Concurrency Certificate is not transferable to other property, but may be transferred to new owners of the same property.
    d. A Concurrency Certificate shall remain valid so long as the accompanying project permit has not expired or been revoked.
    e. A Concurrency Certificate is valid for any modification of the permits for which the Certificate was issued so long as such modification does not require the Applicant to obtain a new project permit.
    f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.
5. Concurrency Certificate and Mitigation Fees. Fees for issuing Concurrency Certificates shall be based on an adopted fee schedule. Mitigation fees shall be based on the adopted mitigation plan.

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

E. Transportation Concurrency Test Procedures.
1. Highway Capacity Manual methods selected by the City Engineer shall be used to analyze project impacts to intersections.
2. Level of Service information in the Capital Facilities Plan, which is updated annually, shall be used as a starting reference to analyze project impacts.
3. Level of Service information shall be updated as necessary to account for traffic levels resulting from the following:
    a. traffic from newly constructed projects,
    b. projects for which traffic impacts have been tentatively reserved;
    c. projects for which a Concurrency Certificate has been awarded; and
    d. non-project, general background traffic increases.

    Level of Service information shall also be updated as necessary as a result of any discontinued Concurrency Certificates, funded road projects, or new Level of Service analysis.
4. Each City intersection affected by the proposed projects shall be reviewed and analyzed for Concurrency. The Applicant/Property Owner may be required to provide a traffic analysis if existing information does not provide adequate information for the

Concurrency assessment.

5. Project proposals shall pass the Concurrency Test if

   a. the transportation impacts from the proposed project does not decrease the Level of Service of affected intersections below the adopted standards; or

   b. the Applicant/Property Owner agrees to modify the project or provide transportation improvements and/or binding financial commitments that will result in the Level of Service of each deficient intersection meeting or exceeding the adopted standards.

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

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

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

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

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

Article 10-4B —

Types of Applications and Review Procedures

Sections:

10-4B-1 **Purpose**

10-4B-2 **Determination of Procedure Type**

10-4B-3 **Project Procedure Types**

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

10-4B-5 **Type IV Projects**

10-4B-6 **Neighborhood Meetings**

10-4B-1 Purpose

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

10-4B-2 Determination of Procedure Type

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

10-4B-3 Project Procedure Types

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

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

Type II, Type III, and Type IV. These procedures types and the projects associated with each procedure type are described in subsections A-E below.

A. Exempt Projects. Exempt projects do not require project permit review processes because they are generally smaller scale permits or administrative actions by the Planning & Community Development Department (P&CD) that are not required to go through public notice provisions, full agency review, or State Environmental Policy Act (SEPA) review. Decisions on Exempt Projects are made by the Planning & Community Development Department and depending on the type and complexity of the project, review time can vary, however, it is P&CD's goal to process projects as quickly as possible. The following projects are exempt from the full project permit review process:

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

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

1. Commercial, Industrial, Grading, & other building permits that require SEPA
2. Major modifications to existing Commercial, Industrial, Grading, & other building permits that require SEPA.
3. Manufactured Home Parks

4. Preliminary Binding Site Plans (BSP) or Change of Conditions to an existing BSP
5. Shoreline Substantial Development Permits, Shoreline Conditional Uses, and Shoreline Variances
6. Short Plats
7. Top Soil Removals

C. Type II Projects. Type II project permit decisions are Hearing Examiner decisions that require an 'open record' public hearing before the Hearing Examiner, full public notice, and they may or may not require SEPA. Appeals are reviewed by the Spokane County Superior Court. The following projects are classified as Type II projects:

1. Conditional Use Permits or major modifications to an existing permit
2. Revocation of a Shoreline Permit
3. Special Use Permits
4. Class B Variances
5. Preliminary Plats and major modifications (change of conditions) to existing plats
6. Property Rezones (individual properties)

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

1. Preliminary Planned Unit Developments (PUD) and major modifications to approved PUD's

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

1. Comprehensive Plan Amendments
2. Comprehensive Plan Future Land Use Map Amendments
3. Development Regulations Amendments
4. Official Zoning Map Amendments (area-wide)

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

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

A. **Pre-Application Conferences.**

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

1. Cite the comprehensive plan policies and map designations applicable to the proposal;
2. Cite the development code provisions, including substantive and procedural requirements applicable to the proposal;
3. Provide available technical data and assistance which will aid the applicant;
4. Identify other governmental policies and regulations that relate to the application;
5. Reasonably identify other opportunities or constraints concerning the application; and
6. When drawings are provided prior to the pre-application conference, feedback from the design review subcommittee may be provided, if applicable.

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

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

1. Application shall be made on forms provided by P&CD and shall include information requested on the application form which addresses the criteria with sufficient detail for review and action.
2. Required submittals for each project shall be supplied with the completed application, including a City of Liberty Lake SEPA Checklist, if applicable.

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

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

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

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

1. That the application is complete; or
2. That the application is incomplete and what is necessary to make the application complete.
    a. Within fourteen (14) calendar days after the applicant has submitted the required additional information to P&CD, the applicant shall be notified whether the application is complete or what additional information is still necessary to make the application complete.
    b. If the applicant fails to submit the required additional information to P&CD within sixty (60) calendar days from the date P&CD requested the information, the application shall be considered expired and the project shall be required to re-start the project permit process as defined above in Section 10-4B-4. One (1) extension may be granted by P&CD provided that:
        i. There have been no changes to the applicable Code provisions since the application was originally submitted. If there have been changes to the applicable Code provisions and the application does not comply with those changes, then the extension shall not be granted; in this case, the project shall be required to re-start the project permit process;
        ii. The applicant demonstrates that failure to submit the required additional information was beyond the applicant's control (i.e. waiting for plan revisions from architects or engineers, etc.); and
        iii. The applicant has requested the extension prior to the sixty (60) calendar day expiration date.

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

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

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

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

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

D. Notice of Application (NOA).

The City shall provide a Notice of Application (NOA) to the public, and the departments and agencies with jurisdiction that an application has been submitted and that the opportunity for comment is available within the defined fourteen (14) calendar day comment period. Notice occurs via mail, posting on the City website, publication in the official City newspaper, and on-

site signage, as applicable. The NOA is completed within 14 days of the DOC and provides for a 14-day comment period. During this phase, preliminary State Environmental Policy Act (SEPA) threshold determination would also be covered (if applicable).

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

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

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

<u>Notice Requirements - Mailings</u>

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

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

the comment period.

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

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

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

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

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

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

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

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

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

e. P&CD shall check the envelopes, mail them, and complete an affidavit confirming

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

Notice Requirements - On-Site Signage

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

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

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

   "NOTICE OF APPLICATION";

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

   "PROJECT FILE #"

   "PROPOSAL"

   "APPLICANT"

   "ENVIRONMENTAL REVIEW"

   "REVIEW AUTHORITY"

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

Notice Requirements - Publication

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

E. Technical Review.

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

F. Notice of Hearing.

The City shall provide a Notice of Hearing to the public, and the departments and agencies with jurisdiction that proposals requiring a public hearing have been scheduled for an 'open record' hearing before the Hearing Examiner or in the case of Type IV projects, the intial hearing(s) would be before the Planning Commission and may be precluded by public workshops. At the hearing(s), individuals and agencies can provide testimony. This notice occurs via the mail, posting on the City website, publication in the official City newspaper, and on site signage, as applicable. Additionally, the Director or his or her designee shall prepare a staff report for the Hearing Examiner or Planning Commission, as applicable, that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria. Hearing bodies may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time

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

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

Notice Requirements - Mailings

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

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

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

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

Hearing Examiner.

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

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

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

Notice Requirements - On-Site Signage

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

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

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

   "NOTICE OF PUBLIC HEARING";

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

   "PROJECT FILE #"
   "PROPOSAL"
   "APPLICANT"
   "DESCRIPTION / NUMBER OF ACRES / NUMBER OF LOTS"
   "EXISTING / PROPOSED ZONING"

"SEPA DETERMINATION"

"REVIEW AUTHORITY"

"HEARING DATE & TIME, HEARING LOCATION"

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

NOTICE OF PUBLIC HEARING

PROJECT FILE #:
PROPOSAL:
APPLICANT:
DESCRITION:

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

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

ATTACH COPY OF NOTICE OF PUBLIC HEARING TO BOTTOM OF SIGN

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

www.libertylakewa.gov/development/public_notices.asp

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

Notice Requirements - Publication

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

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

Administrative Appeal

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

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

City Council Public Hearing

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

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

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

G. **Notice of Decision.**

Type I projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Director of Planning & Community Development after reviewing the staff recommendation on the project. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering

of the decision, requested notice of the decision or submitted substantive comments on the application. For some Type I project permit applications, a copy of the permit may constitute the decision. Additionally, notice shall be published in the official City newspaper and on the City website.

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

Type III projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Planning & Community Development Department and approved by the Mayor following the final public hearing before the City Council that considered the Hearing Examiner's recommendation. The written decision contains findings and conclusions that evidence and support the decision. Additionally, the notice contains a statement of any threshold determination and the procedures for appeal. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. Additionally, notice shall be published in the official City newspaper and on the City website.

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

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

file during the appeal period with the review authority."

7. A statement that "Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."

8. Any other information determined appropriate by the City.

Notice Requirements - Mailings

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

a. The applicant shall receive the notice by certified mail,

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

Notice Requirements - Publication

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

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

H. **Appeal Procedures.**

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

1. Type I Project Permits / Administrative Decisions: An 'open record' appeal to the Hearing Examiner is available on many Type I project permits / Administrative Decisions. The appeal procedure shall be as outlined in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the P&CD Director.

2. Type II Project Permits:

   a. A motion for reconsideration by the Hearing Examiner may be filed with an appeal request to the City within fourteen (14) calendar days from the date of the Hearing Examiner's decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the appeal hearing.

b. An appeal of the final decision of the Hearing Examiner can be made to Spokane County Superior Court as outlined in Judicial Appeal below.

3. Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision.

   a. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.

   b. An appeal of the final decision of the City Council can be made to Spokane County Superior Court as outlined in Judicial Appeal below.

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

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

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

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

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

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

<u>Appeals of Type IV projects:</u>

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

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

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

X = required for permit type

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

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

10-4B-5 Type IV Projects

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

A. Criteria for Amendment:

The City may amend development regulations when it finds that any of the following applies:

1. Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;
2. Change in economic, technological, or land use conditions has occurred to warrant modification;
3. It is found that an amendment is necessary to correct an error;
4. It is found that an amendment is necessary to clarify meaning or intent;
5. It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or
6. Those amendments as deemed necessary by the City Council as being in the public interest.

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

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

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

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

   Procedures

   Text amendment proposals shall follow the procedures outlined in Section 10-4B-4 above, as applicable, which includes a pre-application conference with the applicant. Upon finding that the required fee has been paid and that the application is complete, P&CD shall place an introduction to the request for the text amendment on the earliest available regular meeting agenda of the Planning Commission and submit a copy of the proposed amendment to the Planning Commission. The Planning Commission shall review the proposed amendment and hold at least one public workshop and one public hearing to solicit comment. After further review a formal recommendation will be made to the City Council for approval or denial. P&CD shall subsequently submit to the City Council a copy of the proposed amendment, along with the recommendations of the Planning Commission in writing. The City Council will hold an additional public workshop and an additional public hearing, to approve, approve with modifications, or deny the Planning Commission's recommendation on the proposed amendment(s). If approved, the amendment becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper.

Additionally, the proposed amendments may be required to have a SEPA review, pursuant to Development Code Article 10-6A the City's Environmental Ordinance, and all Type IV projects must go through a 60-day state review process as required under WAC 365-195-620. This 60 day review process generally occurs after the Planning Commission's recommendation.

Notice.

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

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

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

1. By the City Council; or
2. By the Planning Commission; or
3. By the Planning & Community Development Department; or
4. By the owner(s) of any such property(ies), provided that the Planning & Community Development Department shall collect from such person a fee as set forth in the adopted Planning & Community Development Department Fee Schedule which may cover normal processing and legal notice cost; or
5. By the City Council or Planning Commission, pursuant to a petition filed by property owners of an area for a area-wide rezone and meeting the following requirements:
   a. That the petition represents a request to conduct an area-wide/ block re-zone.
   b. A petition is submitted, signed by fifty-one percent (51%) of the number of property owners within the area that is sought to be reclassified.
   c. In those instances where the petition filed by property owners of the area does not meet the provisions set forth above, any property owner(s) signing such petition may appear before the Planning Commission and request in writing that the Planning Commission initiate action to change the zoning map as set forth within the petition.

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

Procedures

Comprehensive Plan Land Use Map Amendments and district or City wide Zoning Map Amendments are Type IV Projects which are processed concurrently and follow the procedures outlined for text amendments in B above. Property rezones for individual properties are Type II Project Permits (see Section 10-4B-4 above). The Comprehensive Plan Land Use Map and the Zoning Map must be consistent and applications for property rezones must also include a Comprehensive Plan Land Use Map amendment request. Upon finding that the required fee has been paid and that the application is complete, P&CD shall issue a Determination of Completeness (DOC), followed by a Notice of Application (NOA). The application shall be forwarded to the

Planning Commission for review and following the Planning Commission's review and recommendation on the map amendments, the SEPA review, and the 60 day state review, a public hearing shall be scheduled before the Hearing Examiner for the property rezone. P&CD will prepare a report and recommendation on the request which will be forwarded to the Hearing Examiner who will hold a public hearing on the requested amendment. The Hearing Examiner shall make available to all parties of record the recommendation decision, along with findings of fact and a statement setting forth the factors considered at the hearing, and analysis of facts considered by the Hearing Examiner. P&CD will forward the Hearing Examiner's recommendation to the City Council, and upon receipt of the recommendation the City Council shall, at its next available regular meeting, set the date for a public hearing. The public hearing for the property rezone must occur after the public hearing for the Comprehensive Plan Land Use Map amendment request. At the property rezone hearing, the Council shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and the property rezones consistency with the Comprehensive Plan Land Use Map, as well as its own analysis of findings considered by the Council. The Council, after the public hearing, may adopt the property rezone, make minor changes, or deny it. If approved, the property rezone becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper and a Notice of Decision shall be provided for the property rezone.

Notice.

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

10-4B-6 Neighborhood Meetings

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their project permit application in order to solicit input and exchange information about the proposed development.

Article 10-4C — Site Design Review

Sections:

10-4C-1 **Purpose**

10-4C-2 **Applicability**

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

10-4C-4 **Site Design Review Approval Criteria**

10-4C-5 **Bonding and Assurances**

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

10-4C-1 Purpose

The purpose of this Chapter is to:

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

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

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

D. Lessen or avoid impacts to community infrastructure; and

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

10-4C-2 Applicability

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

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

10-4C-3 below.

1. Commercial and industrial buildings;
2. Attached dwellings (single & multi-family) that:

   a. Exceed 100' in length along the primary street frontage, or;

   b. include five or more attached units, or

   c. include 3 or more independent buildings in a project.
3. Manufactured home parks;
4. Modifications to development approvals as defined by Article 10-4F;
5. Proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Article 10-4H - Conditional Use Permits.

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

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

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

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

1. Site analysis map (existing conditions). At a minimum the site map shall contain the following, as applicable:

   a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

   b. Identification of slopes greater than 10 percent and provide topographic contour lines shown at a five (5) foot minimum interval if over 6 percent;

   c. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjacent to the site;

   d. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

   e. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

   f. Site features, including existing structures, pavement, rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;

g. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

h. The general location, size, and species of existing trees and other vegetation having a caliper (diameter) of 12 inches or greater at four feet above grade;

i. North arrow, scale, and names and addresses of all persons listed as owners on the most recently recorded deed.

j. Name and address of project designer, contact person, engineer, surveyor, and/or planner, as applicable.

k. Other information, as determined by P&CD. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

2. Proposed site plan. The site plan shall contain the following information, as applicable:

a. The proposed development site, including boundaries, dimensions, and gross area;

b. Features identified on the existing site analysis map which are proposed to remain on the site.

c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);

h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

i. Loading and service areas for waste disposal, loading, and delivery;

j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;

k. Location, type, and height of outdoor lighting;

l. Location of mail boxes, if known;

m. Name and address of project designer, if applicable.

n. Location of bus stops and other public or private transportation facilities.

o. Locations, sizes, and types of signs.

p. Other information, determined by P&CD. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

3. Landscape plan. A landscape plan is required and shall show the following, as applicable:
    a. The location and height of existing and proposed fences and other buffering or screening materials;
    b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
    c. The location, size, and species of the existing and proposed plant materials (at time of planting);
    d. Existing and proposed building and pavement outlines;
    e. Specifications for soil at time of planting and anticipated planting schedule.
    f. Irrigation system (if plantings are not drought-tolerant, may be automatic or other approved method of irrigation)
    g. Other information as deemed appropriate by P&CD. An arborist's report may be required for sites with significant vegetation that is protected under Article 10-3C of this Code. Per the discretion of P&CD, some projects may combine site and landscape plans.
4. Architectural drawings. Architectural drawings shall be submitted showing:
    a. Building elevations with building height and width dimensions;
    b. Building materials, color, and type;
    c. The name of the architect or designer.
5. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) 500 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Article 10-3H.
6. Sign drawings shall be required in conformance with the City Development Code, Article 10-3E Signage Standards.
7. Lighting plan in conformance with Section 10-3F-2.
8. Copies of all existing and proposed restrictions or covenants.
9. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10-4C-4 below.

10-4C-4 Site Design Review Approval Criteria

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

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

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

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

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

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

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

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

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

10-4C-5 Bonding and Assurances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sections:

10-4D-1 **Purpose**

10-4D-2 **General Requirements**

10-4D-3 **Approvals Process**

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

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

10-4D-6 **Variances Authorized**

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

10-4D-8 **Public Improvements**

10-4D-9 **Performance Guarantees**

10-4D-10 **Filing and Recording**

10-4D-11 **Replatting and Vacation of Plats**

10-4D-12 **Boundary Line Adjustments**

10-4D-13 **Binding Site Plans**

10-4D-1 Purpose

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

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

   1. Subdivisions involve the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A plat is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.

   2. Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed use zoned properties as provided in RCW 58.17.035.

   3. Short subdivisions involve the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A short plat is the map or representation of a short subdivision.

   4. Boundary line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots (includes consolidation of lots).

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

C. To prevent the overcrowding of land;

D. To lessen congestion in the streets and highways;

E. To promote effective use of land;

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

G. To provide for adequate light and air;

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

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

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

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

10-4D-2 General Requirements

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

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

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

   1. The preliminary plat or short plat is a clear and approximate drawing of a proposed subdivision, binding site plan, or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this article. The preliminary plat or short plat shall be the basis for the approval or disapproval of the general layout of a subdivision, binding site plan, or short subdivision. The preliminary plat or short plat shall be approved before the final plat or short plat can be submitted for approval consideration; and

   2. The final plat or short plat is the final drawing of the subdivision, 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 or short plat shall include all conditions of approval of the preliminary plat or short plat.

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

Code. A re-division plan shall be submitted which identifies:

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

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

1. Gross Density is units or lots per acre.

   Gross density = total lots / gross area of site

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

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

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

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

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

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

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

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

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

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. A division for the purpose of lease when no residential structure other than manufactured / mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land;
4. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

10-4D-3 Approvals Process

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

B. Review of Final Plat or Short Plat. Review of a final plat for a subdivision or short plat shall be processed administratively using the approval criteria in Section 10-4D-5.

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

   a. Property Owners of Record

   b. Spokane County Auditor's Certificate

   c. Surveyor's Certificate

   d. City of Liberty Lake

      This plat was approved and accepted by the City of Liberty Lake of Spokane County, Washington, on this day____ of_____ , 20_.

      _____

      Mayor, City of Liberty Lake

   e. City of Liberty Lake Planning and Community Development

      Examined and approved this _____ day of_ , 20_.

      _____

      City of Liberty Lake Community Development Director

   f. City of Liberty Lake Engineer

      Examined and approved this_____ day of_____ , 20___ .

      _____

      City of Liberty Lake Engineer

   g. Spokane County Assessor

   h. Spokane County Treasurer

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

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

   a. Property Owners of Record

   b. Spokane County Auditor's Certificate

   c. Surveyor's Certificate

   d. City of Liberty Lake Planning and Community Development

      Examined and approved this _____ day of_ , 20_.

      _____

      City of Liberty Lake Community Development Director

e. City of Liberty Lake Engineer

Examined and approved this_____ day of_____ , 20___ .

_____

City of Liberty Lake Engineer

f. Spokane County Assessor

g. Spokane County Treasurer

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

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

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

1. Any changes to the preliminary plat or short plat follow the procedures in Article 10-4F;
2. At least one final plat development phase has been recorded;
3. An extension of time will not prevent the lawful development of abutting properties; and
4. The extension request is made before expiration of the original approved plan.
5. 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;
6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available

E. Phased Development.

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

2. The criteria for approving a phased land division proposal are:
    a. Public facilities shall be constructed in conjunction with or prior to each phase;
    b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 10-4D-9. A temporary public facility is any facility not constructed to the applicable City or district standard;
    c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
    d. The application for phased development approval shall be reviewed concurrently with the preliminary plat or short plat application and the decision may be appealed in the same manner as the preliminary plat or short plat.

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

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

A. Preliminary Plat.

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

1. Site analysis map (1 hard copy 24" x 36" min., 1 electronic version in a format requested by P&CD):
    a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;
    b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;
    c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
    d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.
    e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
    f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

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

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

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

j. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 103C;

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

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

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

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

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

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

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

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

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

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

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

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

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

mark or other datum approved by the City Engineer.

k. Existing structures that will remain on site;

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

m. Subject site survey data;

n. Data table, as applicable:

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

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

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

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

    a. Proposed preliminary plat base map

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

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

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

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

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

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

   a. Building elevations with building height and width dimensions;

   b. Building materials, color, and type; and

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

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

6. Application form:

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

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

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

   d. Location by section, township, and range;

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

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

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

   h. Street address of proposal;

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

   j. School district and fire district

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

   l. Width of property fronting on public road;

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

   n. Data table, as applicable:

      1. Existing and proposed zoning,

      2. Comprehensive plan category,

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

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

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

q. Potential impacts on adjacent properties and proposed mitigation;

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

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

7. Additional requirements:

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

b. Detail with typical setbacks for residences;

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

d. Phasing plan, if applicable;

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

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

1. Other cities or towns within 1 mile of a subdivision,
2. Any city or town that is proposed to supply utilities to the subdivision,
3. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and

4. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

B. Preliminary Short Plat.

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

1. Site analysis map (1 hard copy 18" x 24" min., 1 electronic version in a format requested by P&CD):
   a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;
   b. Easements: Width, location and purpose of all existing easements of record on and adjacent to the site;
   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
   d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.
   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
   g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment, and relevant portions of the Comprehensive Plan.);
   h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;
   i. Designated historic and cultural resources on the site and adjacent parcels or lots;
   j. The location, size, and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 103C;
   k. North arrow, scale, name, and address of owner and project designer; and
   l. Other information, as deemed appropriate by the P&CD Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

2. Proposed preliminary short plat (1 hard copy 18" x 24" min., 1 electronic version in a format requested by P&CD):
    a. Date, north arrow, and scale of drawing;
    b. Vicinity map with the location of the proposed development sufficient to define its location in the City;
    c. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;
    d. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;
    e. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;
    f. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;
    g. Easements: location, width, and purpose of all easements;
    h. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
    i. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the City Engineer.
    j. Existing structures that will remain on site;
    k. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;
    l. Subject site survey data;
    m. Data table, as applicable:
        1. Existing and proposed zoning,
        2. Comprehensive plan category,
        3. Existing and proposed uses,
        4. Number of lots,
        5. Smallest lot size and minimum lot frontage,
        6. Gross site area,
        7. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of

lots x 1/3 x average lot area in acres / gross site area),

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

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

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

3. Proposed landscape plan (1 hard copy 18" x 24" min., 1 electronic version in a format requested by P&CD):

   a. Proposed preliminary short plat base map

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

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

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

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

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

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

   a. Building elevations with building height and width dimensions;

   b. Building materials, color, and type; and

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

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

6. Application form:

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

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

c. Location by section, township, and range;

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

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

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

g. Street address of proposal;

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

i. School district and fire district

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

k. Width of property fronting on public road;

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

m. Data table, as applicable:

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

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

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

p. Potential impacts on adjacent properties and proposed mitigation;

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

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

7. Additional requirements:

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

   b. Detail with typical setbacks for residences;

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

   d. Phasing plan, if applicable;

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

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

      1. Other cities or towns within 1 mile of a subdivision,

      2. Any city or town that is proposed to supply utilities to the subdivision,

      3. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and

      4. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

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

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

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

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

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and short plats and maps of land divisions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat or short plat; and

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

applicable.

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

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

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

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

10-4D-6 Variances Authorized

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

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

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

1. One (1) hard copy of the final plat or short plat map and one (1) electronic copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below.
2. One (1) hard copy and one (1) electronic copy 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 T of this Code.

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

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

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

5. Two (2) copies of a plat certificate, a hard copy and an electronic version in a format requested by the City (less than 30 days old).

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

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

2. The final plat or short plat map contains:

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

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

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

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

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

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

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

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

be shown,

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

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

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

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

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

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

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

3. Public improvements required by the preliminary plat, 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.

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

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

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

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

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

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

adopted levels of service;

10. The applicant has provided copies of all recorded homeowners association or property owners association Covenants, Conditions, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
11. The applicant has furnished a current title certificate (less than 30 days old) from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;
12. The agencies and parties listed in Section 10-4D-3, subsection B above, have approved and signed the final plat;
13. All taxes, auditor recording fees, assessments, etc., and City required fees established in the P&CD fee schedule have been paid; and
14. The applicant has furnished electronic copies of the final plat or short plat if requested by the City, in a format approved by the City, and other documents or information requested by the City.

10-4D-8 Public Improvements

Public Improvements Required. Before City approval is certified on the final plat, 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, the subdivider shall file an assurance of performance with the City supported by one of the following:

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

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

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

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

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

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

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

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

10-4D-10 Filing and Recording

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

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

C. Prerequisites to recording the plat.

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

10-4D-11 Replatting and Vacation of Plats

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

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

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

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

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

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

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

10-4D-12 Boundary Line Adjustments

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

A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City that are approved by the Spokane County Auditor for recording, if recording is required by Spokane County. One form shall be completed for each lot involved in the lot line adjustment. Boundary line adjustments shall follow the process for exempt projects, as governed by Article 10-4B. The application shall include a preliminary lot line

map identifying all existing and proposed lot lines and dimensions; before and after legal descriptions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined in Article 10-3C; existing fences and walls; and any other information deemed necessary by the Director ensuring compliance with city codes.

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

B. Approval Process.

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

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

1. No additional parcel or lot may be created by the boundary line adjustment, however the number of lots or parcels may be reduced;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the zoning district (Chapter 2) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Article 10-3B – Access and Circulation;
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the zoning district (Chapter 2);
5. Exemptions from Dedications and Improvements. A boundary line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required; and
6. All required fees, per the adopted P&CD fee schedule, have been paid.

D. Recording Lot Line Adjustments.

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

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

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

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

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

A. General provisions.

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

B. Application.

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

C. Contents of Preliminary Binding Site Plan.

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

1. Maps/Exhibits.

   a. A minimum of i=one (1) hard copy of the preliminary binding site plan prepared by or under the direction of a licensed professional land surveyor, 24” x 36” in size, and with a scale of 1”=50’, 1”=100’. If approved by the City, an appropriate scale may be used which does not exceed 1”=200’.

   b. One electronic version in a format requested by the City.

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

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

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

   f. Public notice packet.

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Distribution of Preliminary Binding Site Plans.

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

E. Preliminary Binding Site Plan Agency Review.

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

F. Preliminary Binding Site Plan Public Notice.

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

G. Public use and interest.

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

H. Conformity with applicable land use controls.

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

I. Preliminary approval.

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

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

1. Any changes to the BSP follow the procedures in Article 10-4F;
2. The applicant has submitted written intent to file a final BSP within the extension period;

3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary BSP application shall be required;
5. The extension request is made before expiration of the original approved plan; and
6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available

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

J. General design.

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

1. The design, shape, size, and orientation of the lots should be appropriate for the use for which the divisions are intended, and the character of the area in which they are located.
2. Block dimensions should reflect regard for the needs of convenient access, public safety, emergency vehicle access, topography, street maintenance, and the provision of suitable sites for the land use planned.
3. Street alignments should be designed with appropriate consideration for existing and projected streets, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided.
4. Lots should not be divided by the boundary of any city, county, zoning designation, or public right-of-way.

K. Streets.

Direct access to every lot shall be provided by a public or private street, or a private driveway easement consistent with the City Street Standards. Exceptions to the standards may be granted by the City Engineer on a case by case basis.

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

L. Sewage disposal.

Provisions for adequate sewage disposal shall be in compliance with the City of Liberty Lake Sewer Ordinance, comprehensive wastewater management plan, and current City of Liberty

Lake, Spokane Regional Health District, Department of Health, Department of Ecology, or the other appropriate agencies' regulations.

M. Water supply.

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

N. Stormwater runoff.

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

O. Utilities.

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

P. Professional land surveyor.

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

Q. Mapping requirements.

1. The final BSP map shall show:
    a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;
    b. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map and north arrow;
    c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown;
    d. Ties to adjoining surveys of record.
2. The allowable error of mathematical closure for the final BSP map shall not exceed one foot in eighty thousand feet or 0.04 foot, whichever is greater.

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 plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the City Engineer.
9. The final BSP map shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.

R. Monumentation.

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

S. Final Binding Site Plan Submittal.

The final binding site plan shall incorporate any conditions of approval imposed by the City and shall be prepared and certified by a licensed professional land surveyor. Submittal of a final binding site plan shall be made within five years of the date of preliminary approval, unless an extension of time has been granted under the provisions of 10-4D-13(I). A final binding site plan may include all of the lots being created or it may consist of the boundary of the binding site plan. If no lots are being created at the time of filing the final binding site plan, the creation of any lots shall be made by a record of survey under the provisions of RCW 58.09. Final BSP review should be completed within sixty (60) days of submittal.

All final binding site plan submittals shall include the following:

1. One (1) hard copy of the proposed final binding site plan;
2. One electronic version in a format requested by the City;
3. Final binding site plan fees;
4. Two (2) copies of a plat certificate, a hard copy and an electronic version in a format requested by the City (less than 30 days old).

T. Contents of Final Binding Site Plan.

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

a. Property Owners of Record

b. Spokane County Auditor's Certificate

c. Surveyor's Certificate

d. City of Liberty Lake

Examined and approved this _____ day of_____ , 20___.

_____

City of Liberty Lake Community Development Director

e. City of Liberty Lake Engineer

Examined and approved this_____ day of_____ , 20___.

_____

City of Liberty Lake Engineer

f. Spokane County Assessor

g. Spokane County Treasurer

U. Filing.

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

V. Record of Survey.

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

All record of survey submittals shall include the following:

1. One (1) hard copy of the proposed record of survey;

2. One electronic version in a format requested by the City;

3. Record of survey fees;

4. Two (2) copies of the plat certificate, a hard copy and an electronic version in a format requested by the City (less than 30 days old).

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

1. The survey shall be of a size required by the county auditor. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

2. The binding site plan file number shall be referenced.

3. The scale shall be fifty or one hundred feet to the inch. If approved by the City, an appropriate scale may be used which does not exceed 1”=200’, provided a 1”=400’ reduced copy is provided.
4. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.
5. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the record of survey.
6. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the lot being created shall be shown.
7. Street names shall be shown.
8. Street addresses of each lot shall be shown.
9. Restrictions required as conditions of preliminary approval shall be shown.
10. Appropriate utility easements shall be shown.
11. Certification of the licensed professional land surveyor.
12. The following signatures are required on the record of survey:
    a. City of Liberty Lake Community Development Director;
    b. Property owner.
13. Illustrate any existing buildings located on the lot which is being created.
14. Provide an amendment history chart.

Article 10-4E — Planned Unit Developments

Sections:

10-4E-1 **Purpose**

10-4E-2 **Applicability**

10-4E-3 **Review and Approvals Process**

10-4E-4 **Allowed Uses**

10-4E-5 **Code Provision Modifications**

10-4E-6 **Density**

10-4E-7 **Preliminary PUD Submission Requirements**

10-4E-8 **Preliminary PUD Approval Criteria**

10-4E-9 **Administrative Procedures**

10-4E-10 **Final PUD Approval Criteria**

10-4E-1 Purpose

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

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

10-4E-2 Applicability

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

10-4E-3 Review and Approvals Process

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

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

B. Approval Process.

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

10-4E-4 Allowed Uses

The following uses may be permitted in an approved PUD:

1. All uses allowed in the underlying zoning district (Chapter 2);
2. Any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property and limited or conditional use requirements may be modified if the modification is to meet the purpose of a PUD.

10-4E-5 Code Provision Modifications

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

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

3. The City may not modify any of the procedural provisions of this code; and
4. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
5. The City may not modify any provision pertaining to the installation of public improvements; and
6. The City may not modify any provision regulating signs; and
7. The City may not modify any provision that would be detrimental to the public health, safety, or welfare.

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

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

10-4E-6 Density

The housing density standards shall be determined based on the densities in Chapter 2, provided that the net density shall not exceed 30 du/acre. When allowed by the Comprehensive Plan, the City may authorize a density bonus above the density allowed by Chapter 2 or this Title, as an incentive to increase or enhance open space, protect critical areas, provide unique architectural character, incorporate a mix of uses, and or accomplish other purposes of the zone. The density bonus shall not result in the allowable density exceeding 10 percent of the allowable density in Chapter 2

10-4E-7 Preliminary PUD Submission Requirements

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

1. A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the PUD and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 10-4E-8.

5. A SEPA checklist and such special studies prepared by qualified professionals may be required by the P&CD Director to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

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

1. Conceptual site plan and renderings - may be combined with other required maps or plans outlined in Article 10-4D provided that the general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the PUD concept are included;
2. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated); and
3. Sign concept (e.g., locations, general size, style, and materials of signs).
4. Mixed use provisions including phasing plans to ensure that the approved mix of uses occurs.

10-4E-8 Preliminary PUD Approval Criteria

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

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

B. Compliance with the provisions of the Washington State Environmental Policy Act as adopted by the City.

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

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

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

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

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

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

   b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City

could not require the applicant to preserve, enhance, or rehabilitate through development of the subject property without a PUD.

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

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

1. Increased provision of public/common open space, streetscape, pedestrian, or recreational facilities, or preservation of viewscapes.

2. Superior circulation patterns, structured parking, or location or screening of parking facilities.

3. Superior landscaping, buffering, or screening in or around the proposed PUD, as well as green roofs.

4. Superior architectural design, placement, relationship, or orientation of structure, as well as LEED or Built Green Certifications; LEED Homes; LEED Neighborhood; Built Green Single-Family Homes; Built Green Multi-Family; or built Green Community.

5. Minimum use of impervious surfacing materials.

6. Superior public art which incorporates seating (e.g. fountain, sculpture, etc).

7. Superior public transit amenities, such as a bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by the Spokane Transit Authority.

8. Superior provision of mixed uses that exceed the basic code requirements.

9. Other ways that further the goals and policies of the Comprehensive Plan and meets the purpose of a PUD, as determined by the Director/designee.

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

f. Consistency or compatibility with:

1. Comprehensive Plan;
2. Development Regulations; and
3. Nearby properties and the neighborhood character.

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

F. <u>Requirements for Common Open Space.</u> Where common open space is designated, the following standards apply:

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

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

a. By dedication to the City as publicly-owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the P&CD Director with

regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a Level One Environmental Assessment), and budgetary and maintenance abilities;

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

G. Requirements for Mixed Use Developments. All buildings fronting streets in a mixed use development shall contain areas for commercial and/or office uses on the ground floor and may contain covered parking. All residential uses shall be above the ground floor.

1. The building and site layout shall be designed to maximize the amount of commercial/office uses on the ground floor, as determined by the City.

This vertical mixed use requirement may not apply when the City determines that topography precludes access to the street.

H. Requirements for Recreational Vehicle Parks / Campgrounds (when allowed in a PUD).

1. The maximum net units per acre shall be 15.
2. The site shall have a minimum frontage of 125 feet on a major collector arterial or higher classification.
3. Traveled roadways on site shall be private and paved.
4. Accessory uses including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:

   a. Such establishments and their associated parking shall not occupy more than 5 percent of the gross area of the park.

   b. Such establishments shall be restricted in their use to occupants and their guests of the park.

   c. Such establishments shall present no visible evidence from any street outside the park of their commercial character, which would attract customers other than occupants of the park and their guests.

   d. The structures housing such facilities shall not be located closer than 100 feet to any public street.

5. Recreational vehicle stalls (spaces) shall average 1,500 square feet.
6. A minimum of 15 percent of the gross site area for the recreational vehicle park shall be set aside and developed as common use areas for open or enclosed recreation facilities. Recreational vehicle stalls, private roadways, storage, utility sites, and off street parking areas or shall not be counted as meeting this requirement.

7. Entrances and exits to the recreational vehicle park shall be designed for safe and convenient movement of traffic.

8. Off-street parking, at 1 space per stall, shall be provided.

9. The application for a recreational vehicle park shall include a site plan that identifies vehicle stalls (spaces), motor vehicle parking spaces, the interior private road circulation, open and enclosed spaces for recreational opportunities, landscaping plans, and any other major features of the proposal.

10. Sight-obscuring fencing, landscaping or berming may be required to assure compatibility with adjacent uses.

11. The recreational vehicle park shall meet all Regional Health and City regulations regarding sewage and water.

10-4E-9 Administrative Procedures

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

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

10-4E-10 Final PUD Approval Criteria

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

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

Sections:

10-4F-1 **Purpose**

10-4F-2 **Applicability**

10-4F-3 **Major Modifications**

10-4F-4 **Minor Modifications**

10-4F-1 Purpose

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

10-4F-2 Applicability

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

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

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

10-4F-3 Major Modifications

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

1. A change in land use;

2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;
4. An increase in the lot coverage proposed for non-residential use by more than 5 percent where previously specified;
5. A reduction of more than 5 percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements to a degree that the minimum setback standards of the zoning district cannot be met; or
7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

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

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

10-4F-4 Minor Modifications

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

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

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

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

Article 10-4G — Administrative Interpretations

Sections:

10-4G-1 **Purpose**

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

10-4G-1 Purpose

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

10-4G-2 Administrative Interpretation Procedure

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

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

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

1. The applicable provisions of the this Code, including its purpose and context;
2. Purpose and intent of the RDSAP
3. Consistency with RDSAP goals and objectives;
4. Consistency with the City of Liberty Lake Comprehensive Plan and other relevant codes and policies.

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

E. Director's Decision. The P&CD Director's decision on an interpretation shall include the name of the applicant, the description of the subject proposal, the language of the code subject to interpretation, the explanation of the P&CD Director's interpretation, and any other necessary information reasonably related to the proposal. Unless otherwise provided herein,

the P&CD Director shall mail a written response to any person filing a written request to interpret the provisions of this Code within twenty eight (28) calendar days of having received that request. When a request is made while a project is pending and after a Determination of Completeness (DOC) has been issued, the permit applicant must agree to waive the required project permit 120 day time frame to allow for preparation of the interpretation, and any changes to the project that the interpretation might require. The decision is rendered on the date of the written interpretation.

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

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

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

1. The notice of appeal shall contain a concise statement identifying:

   a. The decision being appealed;

   b. The name and address of the appellant and his/her interest(s) in the matter;

   c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;

   d. The desired outcome or changes to the decision; and

2. Requests for reconsideration shall contain all information required in this section, and the applicable appeal fee. Any notice of appeal not in full compliance with this section shall not be considered.

3. Scheduling of Public Hearing.

   A public hearing for the appeal shall be scheduled before the Hearing Examiner not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to P&CD.

4. Judicial Appeal.

   a. Appeals from the final decision of the Hearing Examiner shall be made to the Spokane County Superior Court and must be filed as a land use petition in the Superior Court within twenty-one (21) days of the date the written appeal decision is signed.

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

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

Article 10-4H — Conditional Use Permits

Sections:

10-4H-1 **Purpose**

10-4H-2 **Approvals Process**

10-4H-3 **Application Submission Requirements**

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

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

10-4H-1 Purpose

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

10-4H-2 Approvals Process

A. Initial Application. An application for a new conditional use shall be processed as a Type II procedure (Article 10-4B). The application shall meet submission requirements in Section 104H-3, and the approval criteria contained in Section 10-4H-4.

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

10-4H-3 Application Submission Requirements

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

A. Site analysis map (existing site conditions);

B. Proposed site plan;

C. Preliminary grading plan;

D. A landscape plan;

E. Architectural drawings of all structures;

F. Drawings of all proposed signs;

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

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

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

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

A. Use Criteria.

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

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

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

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or critical areas;
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/ bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Article 10-3B.

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

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

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

Article 10-4I — Miscellaneous Permits

Sections:

10-4I-1 **Temporary Use Permits**

10-4I-2 **Home Occupation Permits**

10-4I-3 **Special Use Permits**

10-4I-1 Temporary Use Permits

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

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

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

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

1. Temporary sales office:
    a. a. The use will be for no other purpose other than those described above; and
    b. b. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
    c. The property to be used for a temporary sales office shall not be permanently improved for that purpose and shall be removed or the sales office use shall be discontinued upon sell-out of the subdivision or tract of land, unless the temporary sales office is located within a model house where the use shall comply with the requirements in subsection "2-c" below; and
    d. The temporary sales office may be located in the model house defined below.
2. Model house:
    a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
    b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code; and
    c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase in which the model house is located is less than 80% sold-out in which case, the Director may grant up to two, one (1) year extensions for the model house use. If the model house contains a temporary sales office, the time limits specified above for the model house shall apply.

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

1. The temporary trailer or prefabricated building will be for no other purpose other than those described above;
2. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
3. The primary use on the property on which the temporary trailer or pre-fabricated building is to be located is already developed;
4. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Article 10-3B - Access and Circulation;
5. There is adequate parking for the customers or users of the temporary use, as required

by Article 10-3D - Vehicle and Bicycle Parking;

6. The use will not result in vehicular traffic congestion on streets;
7. The use will pose no hazard to pedestrians in the area of the use;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
9. The building complies with applicable building codes;
10. The use can be adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
11. The length of time that the temporary building will be used does not exceed one (1) year, unless approved for an extended period of time by the Director. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

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

1. Mobile food service establishment:

a. A truck, trailer, or cart located in a non-permanent fixed location utilized primarily for the sale of food;

b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City or when associated with sports league play; the City has the right to limit the number of mobile food service establishments and types of products;

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

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

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

f. The mobile food service establishment shall contain at least one functional fire extinguisher;

g. The mobile food service establishment must have a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to ensure, at all times, public access and use of the container;

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

i. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with.

2. Mobile sales booth:

a. A booth (including trailer, canopy, or display area) utilized for the sale or display of goods or services located in a non-permanent fixed location;

b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City;

1. The City has the right to limit the number of vendors and types of products and services. The following products and services shall be prohibited and on-site enforcement of the prohibition shall be conducted by the Liberty Lake Police Department:

- Adult oriented merchandise or services
- Drug paraphernalia
- Hazardous materials
- Illegal merchandise or services
- Tobacco
- Weapons
- Similar products and services as listed above, as determined by the Director / designee;

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

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

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

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

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

10-4I-2 Home Occupation Permits

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

A. Appearance and Use of Residence:

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business;
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification;
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval);
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure;
5. The home occupation, including storage space, shall not occupy more than forty-nine (49) percent of the residential unit, however a home occupation may be located in an approved detached accessory building under the standards of this section; and
6. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.

B. Storage:

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited;
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited; and

3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

C. Employees:

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

D. Advertising and Signs: No signage related to the home occupation business shall be permitted.

E. Vehicles, Parking and Traffic:

1. No employee parking shall be permitted except within the garage or driveway of the residential unit.
2. Parking of commercial vehicles is prohibited on the property, adjoining public streets, except as provided below;
3. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10 p.m. to 7 a.m; and
4. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

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

G. Prohibited Home Occupation Uses:

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

a. Ambulance service;
b. Animal hospital, veterinary services, kennels or animal boarding;
c. Auto and other vehicle repair, including auto painting; or
d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

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

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

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

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

1. Authors, composers and writers.
2. After hours paperwork and similar activities performed by residents on evenings and weekends, who have a primary office elsewhere.
3. Tutoring, teaching, music lessons, or fine arts instruction for one student or pupil or conducted not more than one time per week,
4. Services or activities that are not performed at the residence, such as newspaper delivery, babysitting, lawn care and gardening, parties for the sale of items such as Tupperware, Mary Kay, etc., and similar services.
5. Activities similar to 1 - 4 above, as determined by the Director/designee.

10-4I-3 Special Use Permits

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

B. Application Submittal and Contents.

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

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

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

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

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

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

G. Special Use Permits – Effective Period.

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

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

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

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

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

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

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

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

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

Sections:

10-4J-1 **Purpose**

10-4J-2 **Legislative Amendments**

10-4J-3 **Quasi-Judicial Amendments**

10-4J-4 **Conditions of Approval**

10-4J-5 **Record of Amendments**

10-4J-6 **Transportation Planning Rule Compliance**

10-4J-1 Purpose

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

10-4J-2 Legislative Amendments

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

10-4J-3 Quasi-Judicial Amendments

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

   1. The Planning Commission shall review and comment on zoning district map changes prior to the Technical Review meeting for the project, and their comments shall be added to the staff report prepared for the Hearing Examiner. The Hearing Examiner's decision shall be a recommendation to the City Council who shall decide such applications;

   2. If the Comprehensive Plan land use map needs to be updated to match a property rezone, the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment, which is a Type IV process, and would be reviewed during the yearly amendment process, unless the amendment is declared an emergency. The City Council shall decide such applications; and

   3. Property rezones and Comprehensive Plan land use map amendments should be conducted concurrently during the yearly amendment process to keep consistency between zoning districts and land use categories, and the amendment process must

follow the adopted GMA Public Participation Program Handbook.

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

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

10-4J-4 Conditions of Approval

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

10-4J-5 Record of Amendments

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

10-4J-6 Transportation Planning Rule Compliance

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

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

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

1. Limiting allowed land uses to be consistent with the planned function of the

transportation facility; or

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

Section 3.4

Chapter 5 - Exceptions

Chapter 6 - Environment

Refer to the City Development Code Chapters 5 & 6

3.5 Overview of setbacks, lot areas, dimensional standards, building heights; and building orientation.

The development setbacks; lot area and dimensional standards; building heights; and building orientation standards are setout for each of the River District SAP zone classifications in the attached appendices.

In the **RD-R** zone these standards are designed to accommodate somewhat higher residential density (from a low of 4 du/acre to a high of 18 du/acre) that will be achieved through the use of smaller lot sizes and zero lot line development patterns. The River District will accommodate alley homes (garage at the rear rather than front of the lot), townhomes, and cottage homes as well as standard single family homes on larger lots. Where garage access is from the rear, front yard setbacks will be reduced allowing the home and front porch to have a more intimate relationship with the street.

In the **RD-M** mixed use zone classification flexibility is very important in dealing with a variety of land use types and densities. The standards in the zone classification allow a wider range of residential products in higher density configurations that will support the service elements of the "town center".

In the **RD-C** commercial zone classification the building dimensional standards are very similar to those in the City Development Code. This classification, however, imposes significant landscape buffer and setback requirements along both the I-90 freeway and Mission Street corridors.

3.5 Summary of Zoning District Setbacks, Lot Areas, Lot Dimensions and Density

	RD-R	RD-M	RD-C
Front Yard	Min: 5 ft (alley) Min: 18 ft (front)	Min: None Max: 25 ft	Min: 10 ft Max: None
Side Yard	Min: None (15 ft on flanking streets)	Min: None Max: None	Min: None (per building code, 15 ft on flanking streets)
Rear Yard	Min: None (alley) Max: 5 ft (front)	Min: None Max: None	Min: 5 ft Max: None
Lot Area	Min: None Max: None	Min: None Max: None	Min: None Max: None
Lot Width	Min: None Max: None	Min: None Max: None	Min: 50 ft. Max: None
Lot Coverage	Max: None	Max: None	Max: 60%
Density	Min: 4 du/acre Max: 18 du/acre	Min: 6 du/acre Max: None	Min: None Max: None

3.6 Land Use Analysis—Dwelling Units

River District SAP
Dwelling Unit Analysis

Pre-SAP Dwelling Units

Zones	Gross Acres	Net Residential Acres[1]	Density Calcs Min	Density Calcs Max	Projected Buildout Densities	Total Dwelling Units
R-1	303.16	212.21	4	6	5	1061
R-2	6.14	4.30	6	12	10	43
M-2	166.90	58.42[2]	6	15[3]	15	876
C-2	171.88		0	0	0	0
		Pre-SAP Dwelling	**1,225**	**2,201**		**1,980**

Post-SAP Dwelling Units

Zones	Gross Acres	Net Residential Acres[1]	Density Calcs Min	Density Calcs Max	Projected Buildout Densities	Total Dwelling Units
RD-R	378.91	265.24	4	18	7.5	1,989
RD-M	101.04	35.36[2]	None	None	12	424
RD-C	168.13	12.68[4]	None	None	12	152
					Post-SAP Dwelling	**2,566**

Assumptions:
1/ 30% of gross acreage in open space and road right-of-way.
2/ 50% of Mixed Use Zone will be residential.
3/ Maximum density of 15 dwelling units per acre in Mixed Use Zone.
4/ 25% of C Zone will be in roads, driveways and open space with 10% of net acreage reserved for residential uses.

A Maximum of 3000 Dwelling Units is Permitted in the River District SAP

3.6 Land Use Analysis—Open Space

	ACRES
TOTAL SAP AREA (LEGAL DESCRIPTION)	648.08
TOTAL ASSESSOR PARCEL AREA	619.27
TOTAL ROAD R.O.W. AREA	28.81
PARKS	
Orchard Park	10
Quinimose Park	10
West River Park	5
River Bend Park	7
Pocket Park #1	0.5
Pocket Park #2	0.5
River District Swim and Recreation Center	2.5
Parks Subtotal	35.5
GREENWAYS	
Spokane River Habitat Greenway	15.50
Powerline Trail Greenway	3.00
Commercial Opens Space Greenway	3.50
Trail Greenways	9.50
Greenways Subtotal	31.50
RIVER DISTRICT PRIVATELY OWNED OPEN SPACE	
Privately Owned Open Space Subtotal	30.00
TOTAL PARKS AND GREENWAYS	67
TOTAL PRIVATE AND PUBLIC OPEN SPACE	97
% OPEN SPACE (BY ASSESSOR PARCEL AREA)	15.7%

Section 4

River District Zoning Matrix

4.1 River District Zoning Matrix

4.1 - River District Zoning District Matrix

Comprehensive Plan Category	Implementation - Zoning District
Mixed Residential	**RD-R** (Mixed Residential)
Community Center Mixed Use	**RD-M** (Community Center)
Freeway Commercial	**RD-C** (Freeway Commercial)

Types of Uses

Permitted Uses (P): Permitted uses are designated in the following matrix with the letter “P”. These uses may occur without special action by the Hearing Body, subject to development standards of the zone in which it is located, and other applicable portions of this Code.

Limited Uses (L): Limited uses are designated in the following matrix with the letter “L”. These uses are allowed if they comply with the development standards of the zone in which it is located, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc.

Conditional Uses (CU): Conditional uses are designated in the following matrix with the letters “CU”. Conditional uses are permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner.

Not Applicable (N/A): Neighborhood Retail Clusters include uses that are Permitted in RD-M, and RD-C Zones, however as defined, Neighborhood Retail Clusters are specific to the RD-R Zone.

Not Permitted (N): Uses designated in the following matrix with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.

Use Determinations: It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director or Designee may classify uses not specifically addressed in the matrix consistent with similar uses. Classifications shall also be consistent with Comprehensive Plan policies. Accessory Uses (as defined by this Code and determined by the Director or Designee) are allowed in conjunction with a permitted, limited, or conditional use only.

Essential Public Facilities (EPF's): Facilities that may have statewide or regional/countywide significance are listed in the Facilities and Uses column as EPF and shall additionally be evaluated to determine applicability with the “Spokane County Regional Siting Process for Essential Public Facilities”, as amended.

River District SAP Zoning Districts Matrix

Facilities and Uses	RD-R	RD-M	RD-C
Agriculture (actively farmed)	L	L	L
Agricultural product / craft sales stand (Farmer's market)	N	P	P
Church / religious institution	P	P	P
Funeral home / mortuary	N	N	N
Home occupation	L	L	N
Hospital - EPF	N	P	P
Large-scale retail establishments	N	N	L
Marijuana Producer	N	N	N
Mobile sales / concessions	L	L	L
Parking structure	N	P	P
Planned unit development (PUD)	P	P	P
Public assembly	L	L	L
Seasonal and special events	L	L	L
Temporary construction / sales office	L	L	L
Tower	N	N	N
Tower, private	N	N	L
Animal related			
Animal health services / veterinarian - domestic animals	N	P	P
Animal shelter / kennel	N	N	N
Animal, wildlife rehabilitation facility	N	N	N
Dangerous animal / livestock keeping	N	N	N
Automobile, etc. oriented			
Automobile, manufactured home, recreational vehicle, trailer, and boat -sales	N	N	P
Automobile parts sales (retail)	N	L	P
Automobile parts sales (wholesale)	N	N	P
Automobile, recreational vehicle, trailer, truck, & taxi - rentals	N	N	P
Automobile / truck repair or maintenance (service station)	N	N	L
Automobile impound yard	N	N	N
Automobile wrecking / recycling, junk, and salvage yards	N	N	N
Boat, recreational vehicle, and trailer - construction, repair, parts sales, and maintenance	N	N	L
Car wash (automatic or self-service)	N	N	P
Gas station / convenience store	N	N	L

Facilities and Uses	RD-R	RD-M	RD-C
Child day-care			
Family child day-care home (5 or fewer children)	P	P	N
Family child day-care home (6 to 12 children)	P	P	N
Child day-care center	L	P	P
Child day-care center (in a church or a school)	P	P	P
Community recreation and facilities			
Athletic club / exercise facility / gym	L	P	P
Community center / hall / club	P	P	P
Golf course	N	N	N
Parks & recreation	P	P	P
Participant & spectator sports facilities	N	L	P
Recreational vehicle park / campground	N	N	N
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented)			
Adult entertainment establishment	N	N	N
Adult retail use establishment	N	N	N
Banks / financial institutions (with drive-thru)	N	L	P
Bed and breakfast inn	CU	P	N
Building supply / hardware - sales (inside sales and storage)	N	P	P
Building supply / hardware - sales (outside sales and storage)	N	N	P
Commercial laundromat and dry cleaning facility (without drive-thru)	N	P	P
Commercial laundromat and dry cleaning facility (with drive-thru)	N	L	P
Cultural center, library, museum	P	P	P
Espresso stand	N	N	P
Neighborhood Retail Cluster	L	NA	NA
General Retail	L	P	P
Grocery store	L	P	P
Hotel, motel, inn	N	P	P
Landscape supply, greenhouse, or commercial nursery	N	N	P
Marijuana Retailer	N	N	N
Personal care services such as barber shops, hair and nail salons, tanning salons, etc.	N	P	P
Pharmacy (without drive-thru)	L	P	P
Pharmacy (with drive-thru)	N	L	P
Printing, reprographics, bookbinding, and graphic services	N	P	P

Facilities and Uses	RD-R	RD-M	RD-C
Dining, personal services, entertainment, lodging, and retail (excluding automobile oriented), *continued*			
Restaurant, cafe, deli, or ice cream parlor (without drive-thru)	L	P	P
Restaurant, cafe, deli, or ice cream parlor (with drive-thru)	N	L	P
Sports Bar	N	L	P
Tavern / pub / liquor store	N	L	P
Theater (motion picture or performing arts)	N	P	P
Winery / Microbrew	L	P	P
Government / civic offices and facilities			
Ambulance / emergency services facility	N	N	P
Detention facility - EPF	N	N	N
Fire station	N	N	N
Maintenance / public works facility	N	N	N
Offices / City Hall	N	P	P
Police station	N	P	P
Post office (without drive-thru)	N	P	P
Post office (with drive-thru)	N	L	P
Prison / correctional facility - EPF	N	N	N
Public transit facilities - EPF	P	P	P
Schools - public / private			
Nursery / pre-school	P	P	P
Elementary school	P	P	P
Middle school / Junior High	P	N	P
High school	N	N	P
College or university - EPF	N	P	P
Specialized / vocational / trade school	N	P	P
Housing			
Accessory caretaker's residence	N	N	L
Accessory dwelling unit (ADU), attached or detached	L	L	N
Dwelling, multi-family	P	L	P
Dwelling, single family	P	P	N
Dwelling, single family attached townhome	P	P	N
Dwelling, two-family duplex	P	P	N
Manufactured homes (on individual lots)	N	N	N
Manufactured home park	N	N	N

Facilities and Uses	RD-R	RD-M	RD-C
Housing, *continued*			
Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities, and age restricted Active Adult Community)	P	P	P
Zero lot line (single family courtyard home)	P	P	N
Manufacturing, equipment, and industrial production			
Construction / industrial equipment sales or rental	N	N	P
Light manufacturing and assembly	N	L	P
Light manufacturing and assembly w/ retail sales showroom	N	L	P
Marijuana Processor	N	N	N
Artisan / Craftsman Live Work	L	P	P
General office and professional facilities			
Communications service systems	N	P	P
Office	L	P	P
Medical equipment supply	N	P	P
Research facility / laboratory	N	P	P
Telemarketing centers / catalog & mail order houses	N	P	P
Social services			
Community residential facility (6 or fewer residents) - EPF	P	P	N
Community residential facility (7 to 25 residents) - EPF	N	N	N
Community treatment facility (8 or fewer residents) - EPF	N	N	N
Community treatment facility (9 to 20 residents) - EPF	N	N	N
Crisis residential center (6 or fewer residents) - EPF	P	N	N
Crisis residential center (7 to 20 residents) - EPF	N	N	N
Halfway house (8 or fewer residents) - EPF	N	N	N
Halfway house (9 to 20 residents) - EPF	N	N	N
Secure Community Transition Facility (SCTF, 3 or fewer residents) - EPF	N	N	N
Solid waste management and recycling			
Commercial composting storage / processing facility - EPF	N	N	N
Incinerator - EPF	N	N	N
Landfill - EPF	N	N	N
Recycling collection center	N	N	N
Solid waste transfer site - EPF	N	N	N
Tire salvage yard	N	N	N

Facilities and Uses	RD-R	RD-M	RD-C
Storage, freight, and wholesale facilities			
Outdoor vehicle storage	N	N	N
Self service storage facility (mini storage)	N	N	N
Warehouse and freight movement	N	N	P
Wholesaling / distribution facility	N	N	P
Utilities and facilities			
Power plant - EPF	N	P	P
Public utility local distribution facility	CU	CU	CU
Public utility transmission facility - EPF	N	N	L
Sewage treatment plant - EPF	N	N	N
Wireless communication antenna array	N	L	L
Wireless communication support tower	N	N	N

Section 5

Specific Area Plan Maps

5.1 River District Land Use Description

5.2 River District Specific Area Plan Boundary Map

5.3 River District Specific Area Zoning District Map

5.4 Liberty Lake Existing Zoning and Comprehensive Plan Maps

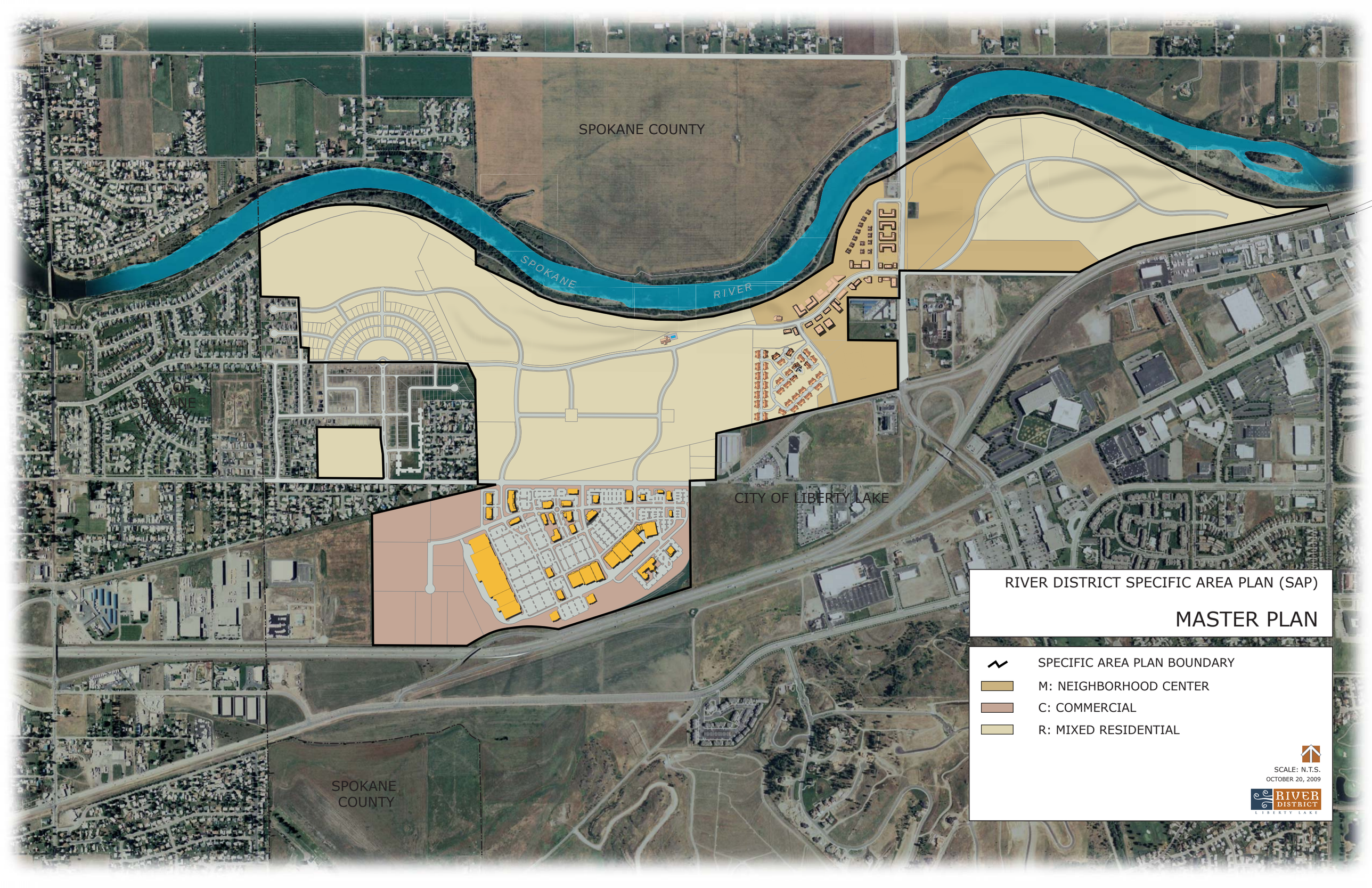
5.1 River District Land Use Description

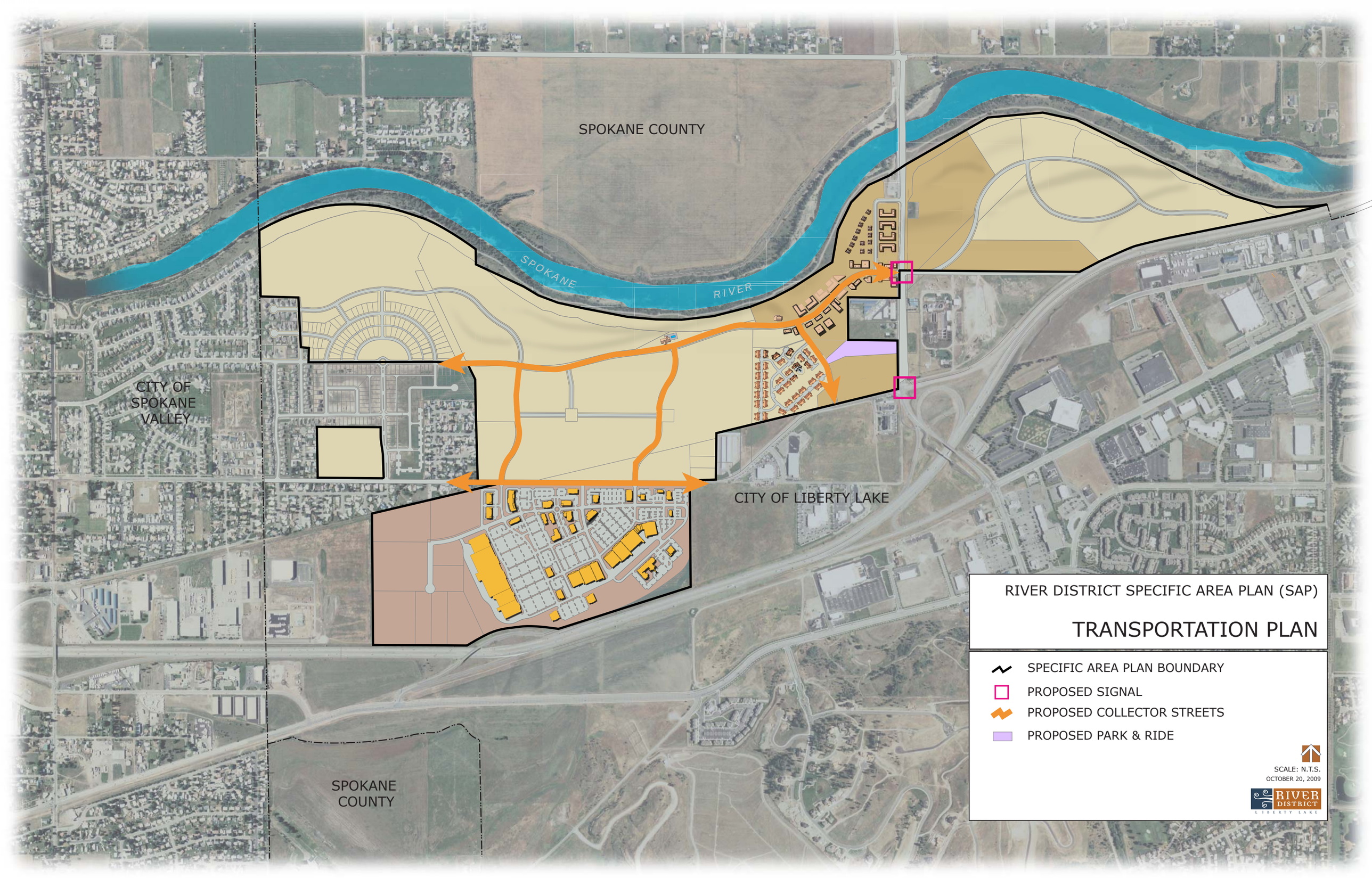
The River District Specific Area Plan is limited to three zone classifications. None of the zone classifications are consistent with the classifications in Chapter 2 of the City Development Code. For the purpose the River District SAP three new zone classifications have been created that will meet the special needs and purpose of the River District SAP Plan.

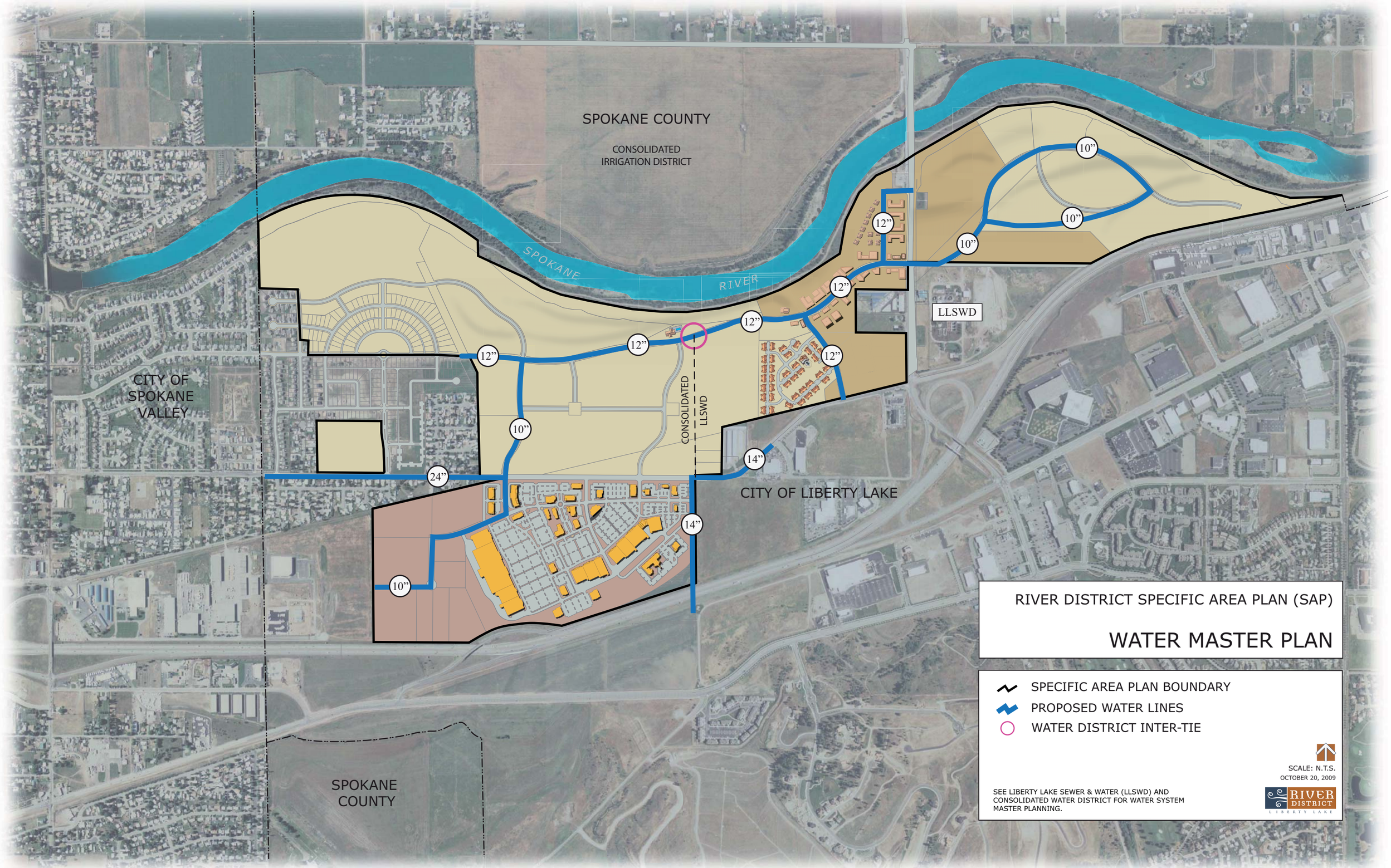
River District Residential (RD-R): This zone classification is a mixed residential zone that will allow a range of residential uses that can be integrated on a smaller and finer scale that is generally allowed by the current zone classifications of the City Development Code. The finer integration of residential uses will allow a broader range of housing product and price ranges. It will also avoid large single product-single price point neighborhoods. The density of this zone will be similar to that of the current R-2 zone and will be mostly single family in character. This zone will allow small mixed use clusters as a conditional use to allow some services to be within walking distance of neighborhoods.

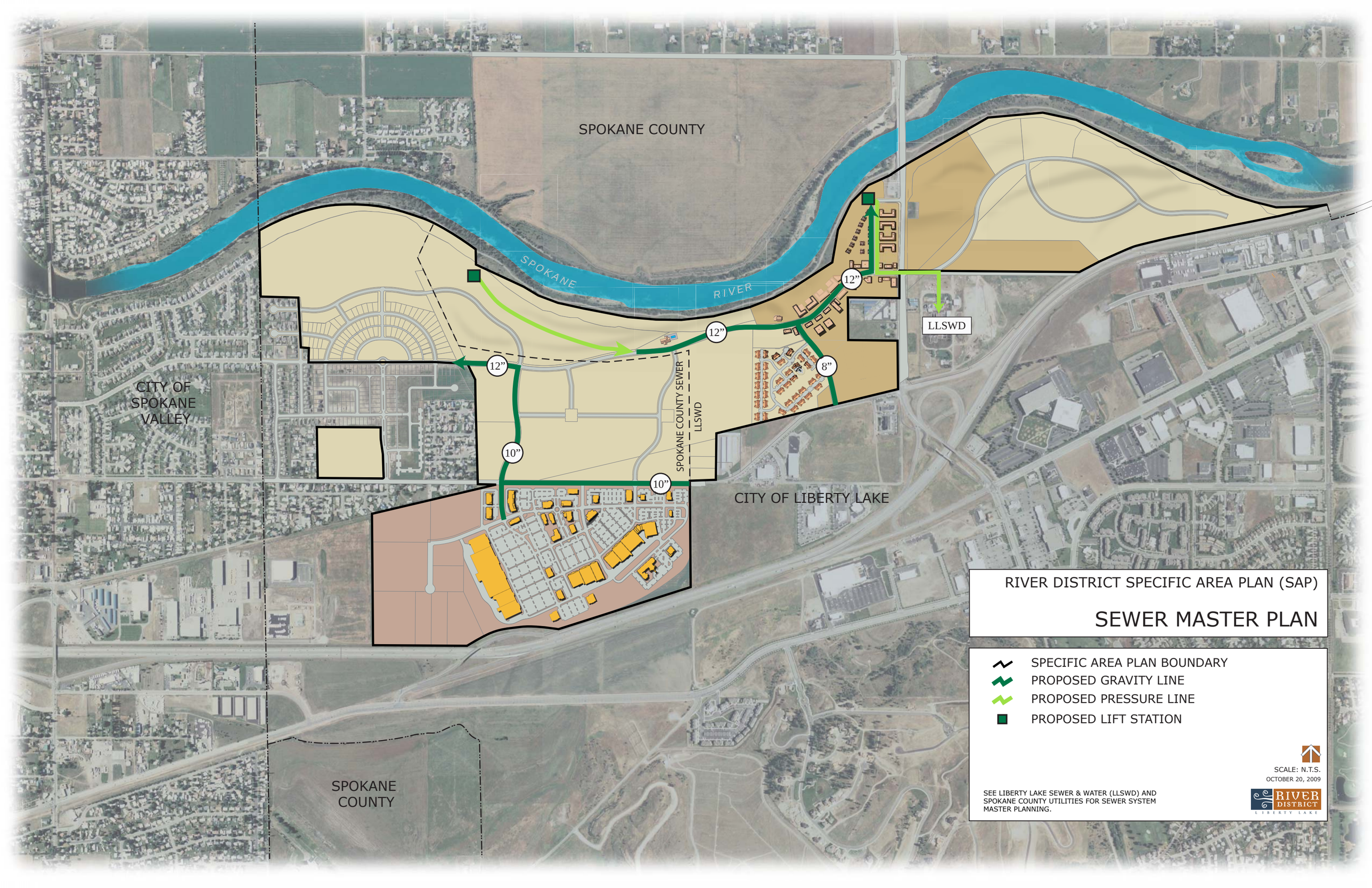
River District Mixed Use (RD-M): This zone classification is a true mixed use district that is intended to guide development in the River District "town center". This mixed use zone allows a range of retail, commercial, office and residential uses that are consistent with the River District walkable "town center" concept. It provides for a larger range of residential uses than are allowed in the mixed-use classifications in the City Development Code. More intensive uses, not suitable for a walkable town center, have also been restricted.

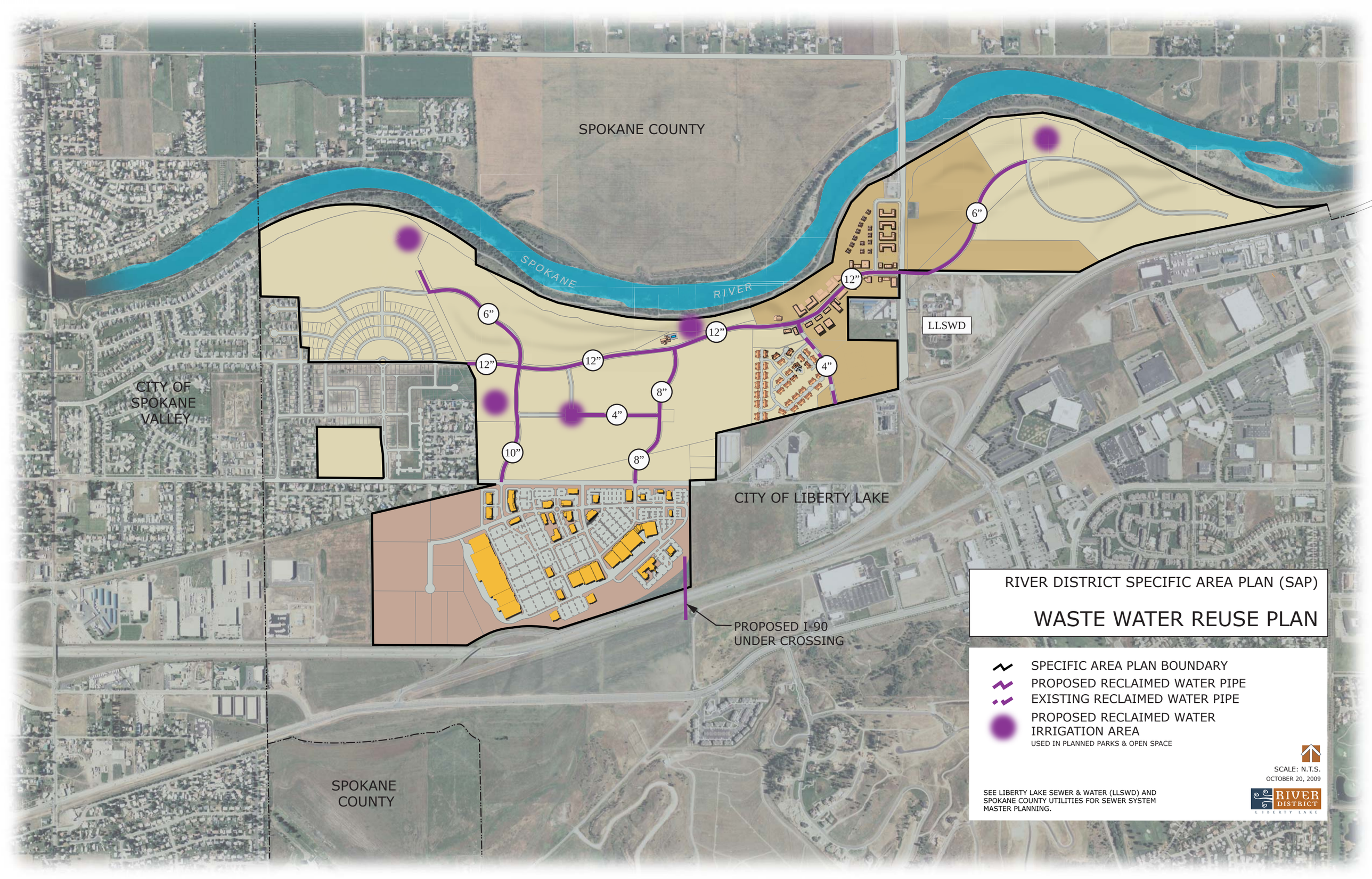
River District Commercial (RD-C): This zone classification is an intensive commercial zone that will allow a range of automobile oriented regional uses that will allow strong economic development potential and sales tax base development in the Interstate 90 corridor. This classification is directed more to regional uses and includes development regulations that place an emphasis on landscape buffers and streetscape design over building architecture.

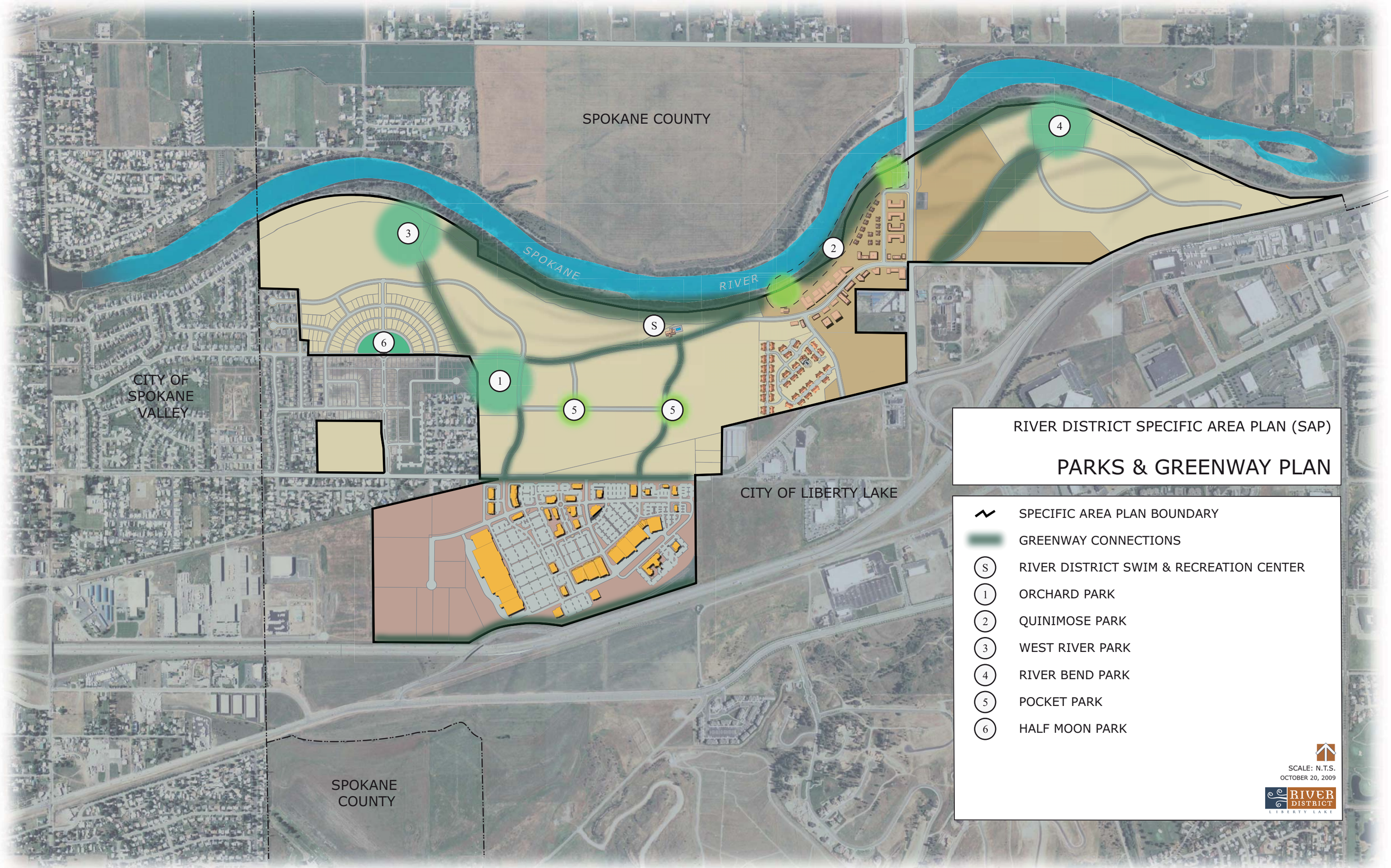

SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
MASTER PLAN
SPECIFIC AREA PLAN BOUNDARY
M: NEIGHBORHOOD CENTER
C: COMMERCIAL
R: MIXED RESIDENTIAL
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE

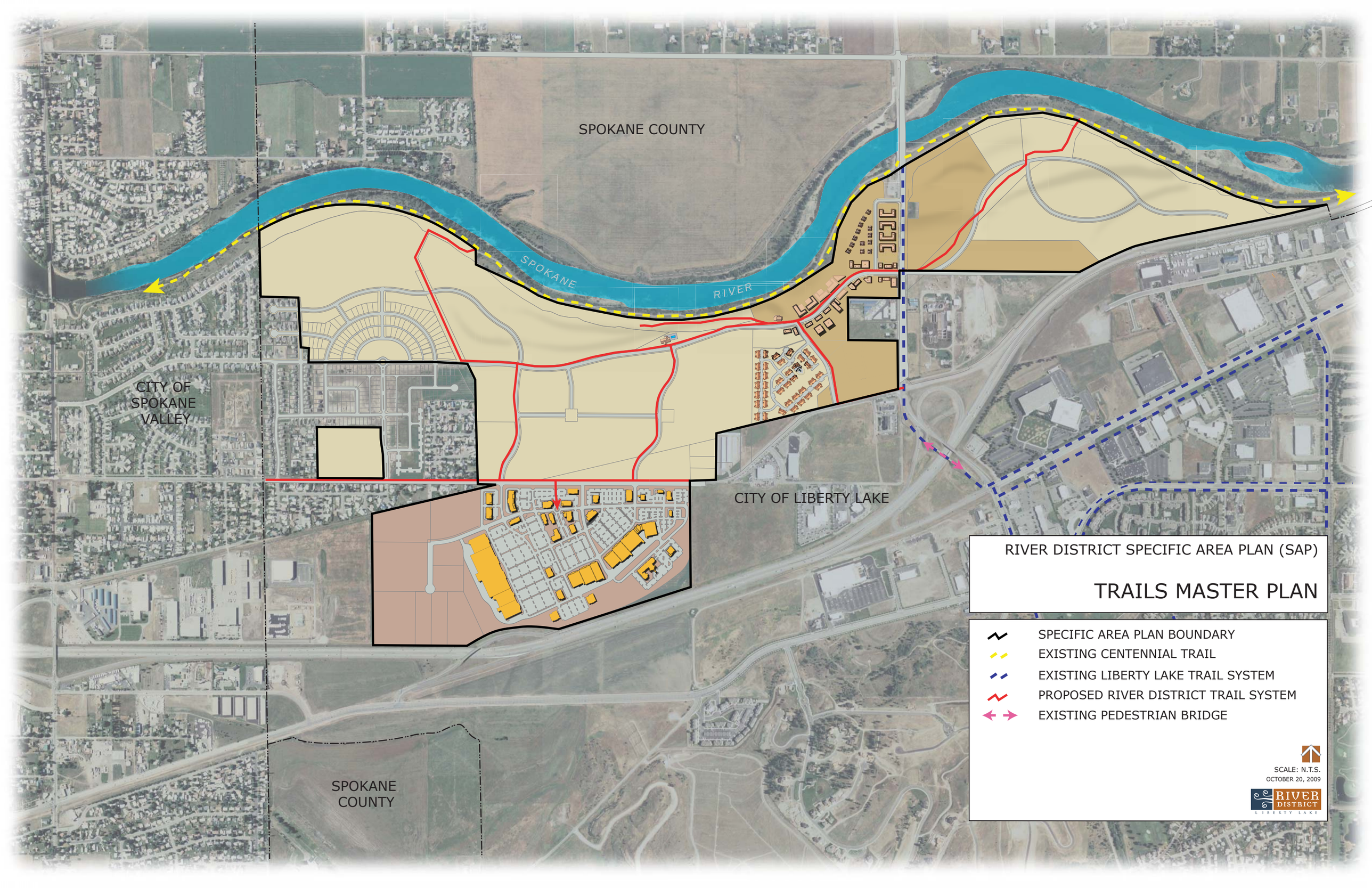

SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
TRANSPORTATION PLAN
SPECIFIC AREA PLAN BOUNDARY
PROPOSED SIGNAL
PROPOSED COLLECTOR STREETS
PROPOSED PARK & RIDE
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE

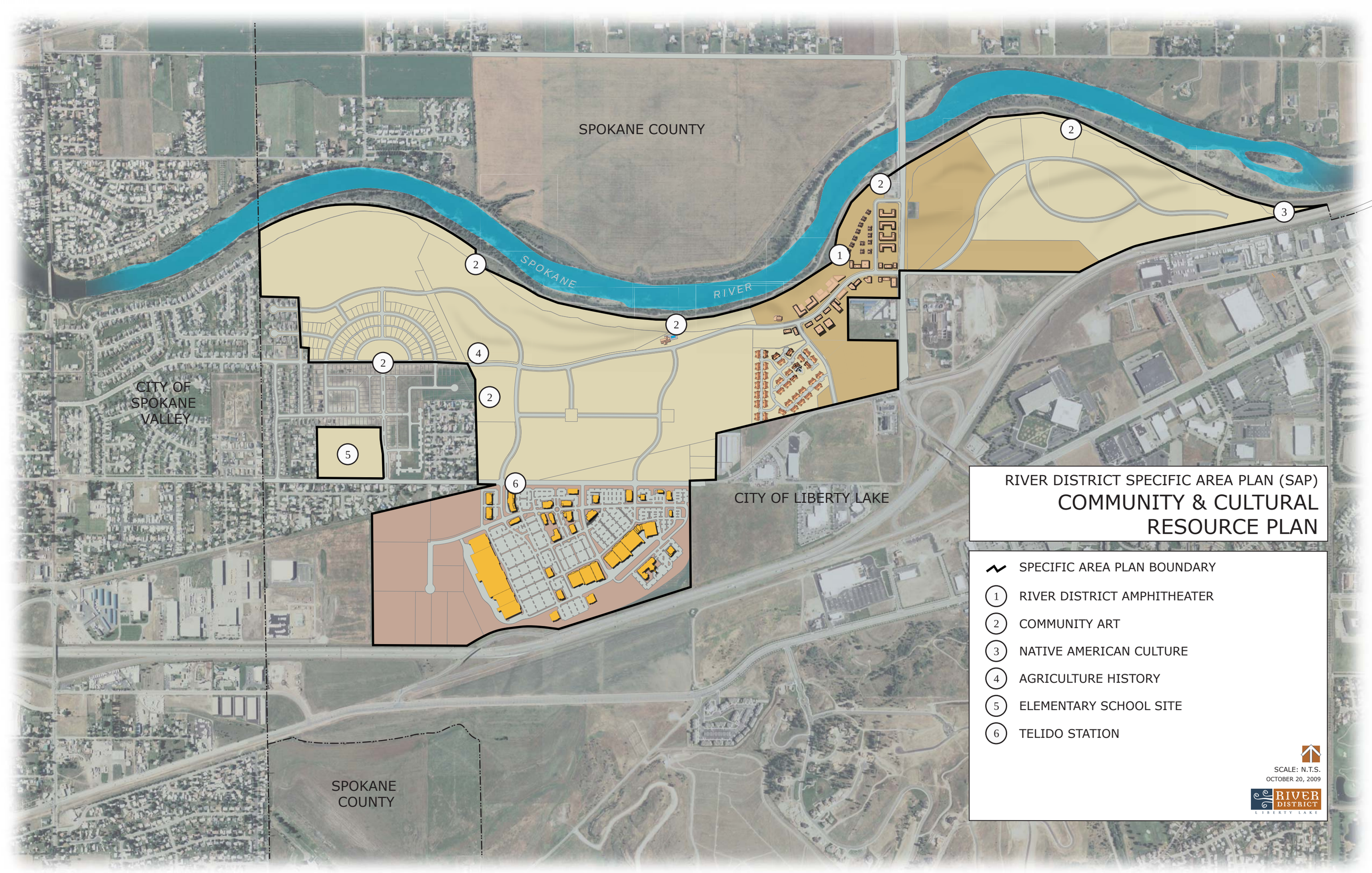

SPOKANE COUNTY
CONSOLIDATED
IRRIGATION DISTRICT
SPOKANE
RIVER
CITY OF
SPOKANE
VALLEY
CONSOLIDATED
LLSWD
LLSWD
CITY OF LIBERTY LAKE
SPOKANE
COUNTY
10”
12”
14”
24”
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
WATER MASTER PLAN
SPECIFIC AREA PLAN BOUNDARY
PROPOSED WATER LINES
WATER DISTRICT INTER-TIE
SCALE: N.T.S.
OCTOBER 20, 2009
SEE LIBERTY LAKE SEWER & WATER (LLSWD) AND
CONSOLIDATED WATER DISTRICT FOR WATER SYSTEM
MASTER PLANNING.
RIVER
DISTRICT
LIBERTY LAKE

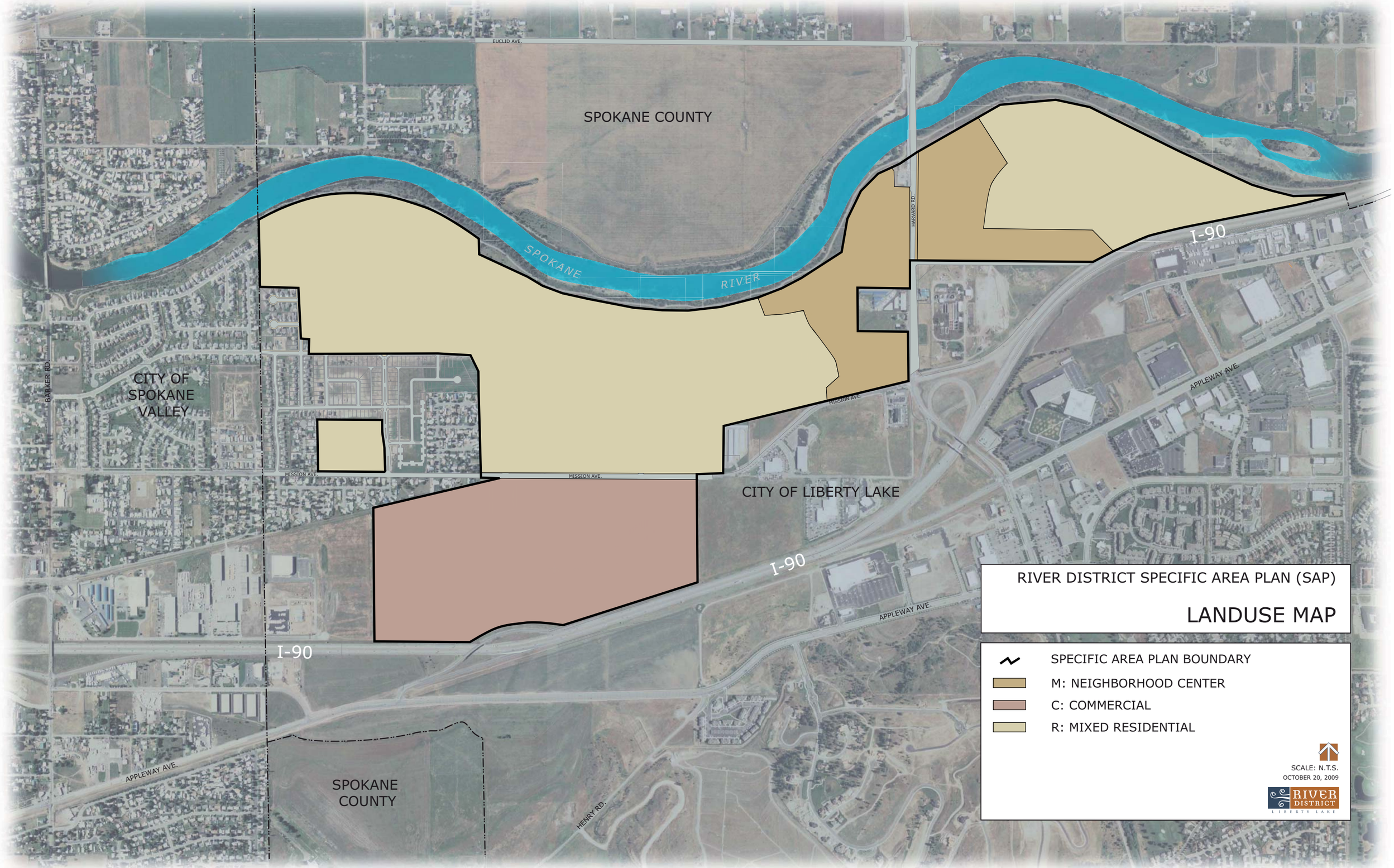

SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY SEWER
LLSWD
LLSWD
12”
12”
12”
8”
10”
10”
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
SEWER MASTER PLAN
SPECIFIC AREA PLAN BOUNDARY
PROPOSED GRAVITY LINE
PROPOSED PRESSURE LINE
PROPOSED LIFT STATION
SCALE: N.T.S.
OCTOBER 20, 2009
SEE LIBERTY LAKE SEWER & WATER (LLSWD) AND SPOKANE COUNTY UTILITIES FOR SEWER SYSTEM MASTER PLANNING.
RIVER DISTRICT
LIBERTY LAKE


SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
LLSWD
CITY OF LIBERTY LAKE
PROPOSED I-90 UNDER CROSSING
SPOKANE COUNTY
6”
12”
12”
12”
12”
4”
8”
4”
10”
8”
6”
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
WASTE WATER REUSE PLAN
SPECIFIC AREA PLAN BOUNDARY
PROPOSED RECLAIMED WATER PIPE
EXISTING RECLAIMED WATER PIPE
PROPOSED RECLAIMED WATER IRRIGATION AREA
USED IN PLANNED PARKS & OPEN SPACE
SCALE: N.T.S.
OCTOBER 20, 2009
SEE LIBERTY LAKE SEWER & WATER (LLSWD) AND SPOKANE COUNTY UTILITIES FOR SEWER SYSTEM MASTER PLANNING.
RIVER DISTRICT
LIBERTY LAKE


SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
PARKS & GREENWAY PLAN
SPECIFIC AREA PLAN BOUNDARY
GREENWAY CONNECTIONS
S RIVER DISTRICT SWIM & RECREATION CENTER
1 ORCHARD PARK
2 QUINIMOSE PARK
3 WEST RIVER PARK
4 RIVER BEND PARK
5 POCKET PARK
6 HALF MOON PARK
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE


SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
TRAILS MASTER PLAN
SPECIFIC AREA PLAN BOUNDARY
EXISTING CENTENNIAL TRAIL
EXISTING LIBERTY LAKE TRAIL SYSTEM
PROPOSED RIVER DISTRICT TRAIL SYSTEM
EXISTING PEDESTRIAN BRIDGE
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE


SPOKANE COUNTY
SPOKANE RIVER
CITY OF SPOKANE VALLEY
CITY OF LIBERTY LAKE
SPOKANE COUNTY
1
2
3
4
5
6
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
COMMUNITY & CULTURAL RESOURCE PLAN
SPECIFIC AREA PLAN BOUNDARY
1 RIVER DISTRICT AMPHITHEATER
2 COMMUNITY ART
3 NATIVE AMERICAN CULTURE
4 AGRICULTURE HISTORY
5 ELEMENTARY SCHOOL SITE
6 TELIDO STATION
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE


EUCLID AVE.
SPOKANE COUNTY
SPOKANE RIVER
HARVARD RD.
I-90
BARKER RD.
CITY OF SPOKANE VALLEY
MISSION AVE.
MISSION AVE.
APPLEWAY AVE.
CITY OF LIBERTY LAKE
I-90
APPLEWAY AVE.
I-90
APPLEWAY AVE.
SPOKANE COUNTY
HENRY RD.
RIVER DISTRICT SPECIFIC AREA PLAN (SAP)
LANDUSE MAP
SPECIFIC AREA PLAN BOUNDARY
M: NEIGHBORHOOD CENTER
C: COMMERCIAL
R: MIXED RESIDENTIAL
SCALE: N.T.S.
OCTOBER 20, 2009
RIVER DISTRICT
LIBERTY LAKE

5.4 Liberty Lake Existing Zoning and Comprehensive Plan Maps

Refer to Original Proposed River District Specific Area Plan Overlay Submittal - July 2008, for Existing Zoning & Comprehensive Plan Maps

or Contact the City of Liberty Lake for Current Maps

Section 6

Conceptual Development Plan

6.1 Conceptual Development Plan

6.2 Transportation Plan

6.2.1 Street Sections

6.2.1a Residential Access Street with Parking
6.2.1b Residential Access Street without Parking
6.2.1c Residential Alley
6.2.1d Urban Collector without Parking
6.2.1e Urban Collector with Parking
6.2.1f Urban Collector Boulevard with Parking
6.2.1g Commercial Access Street with Parking
6.2.1h Commercial Access Street without Parking
6.2.1i Village Center Collector
6.2.1j Residential / Commercial Boulevard with Parking
6.2.1k Residential / Commercial Boulevard without Parking

6.3 Grading Analysis

6.4 Water Master Plan

6.5 Sewer Master Plan

6.6 Waste Water Reuse Master Plan

6.7 Park and Greenway Master Plan

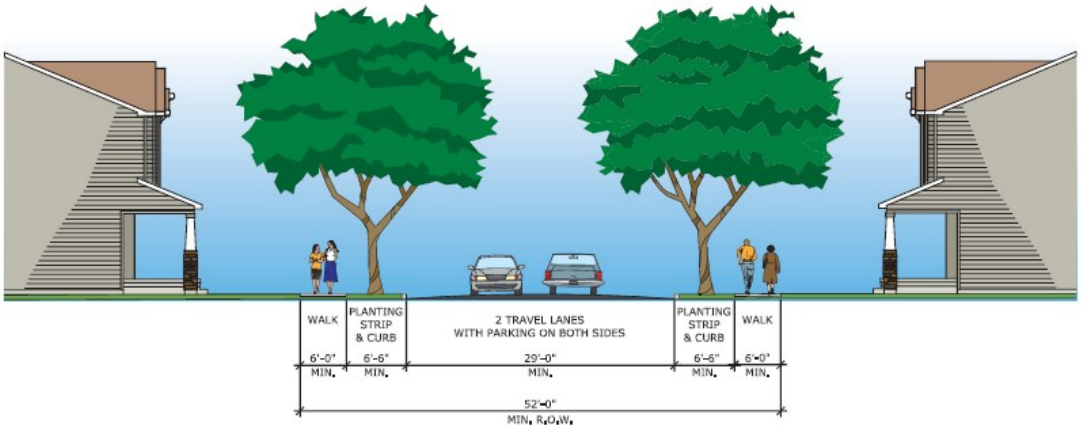
6.8 Trail Master Plan

6.9 Community and Cultural Resource Plan

6.1 Conceptual Development Plan

This Section provides the Conceptual Development Plan and includes:

1. Blocks. The Transportation Master Plan illustrates the general layout of major streets within River District.
2. Residential Land Use. A map and table with proposed residential densities, permitted housing types, and general lot patterns. Specific lot patterns will be defined during land division approval.
3. Transportation Plan. A Transportation Master Plan that indicates future street connections to existing streets and connections within the River District. A separate Trails Master Plan is included.
4. Preliminary Grading and Utilities Plans.
    - Water Plan
    - Sewer Plan
    - Waste Water Reuse Plan



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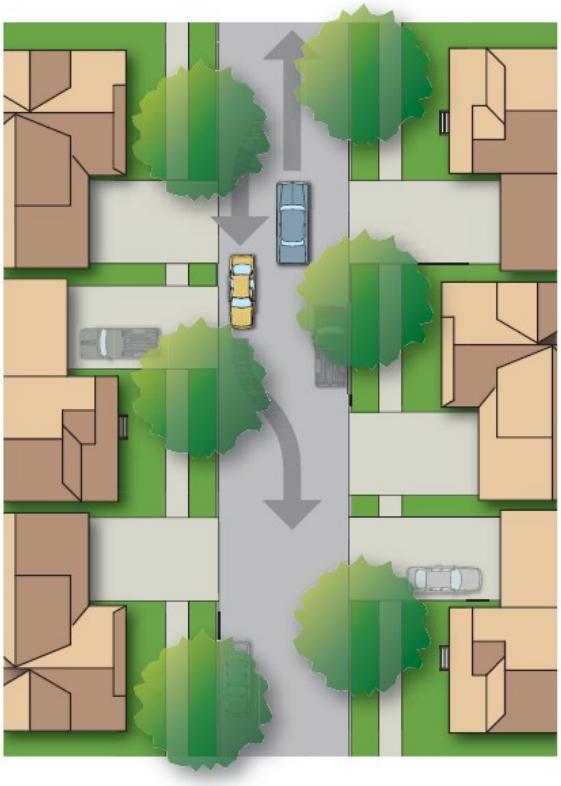
SECTION



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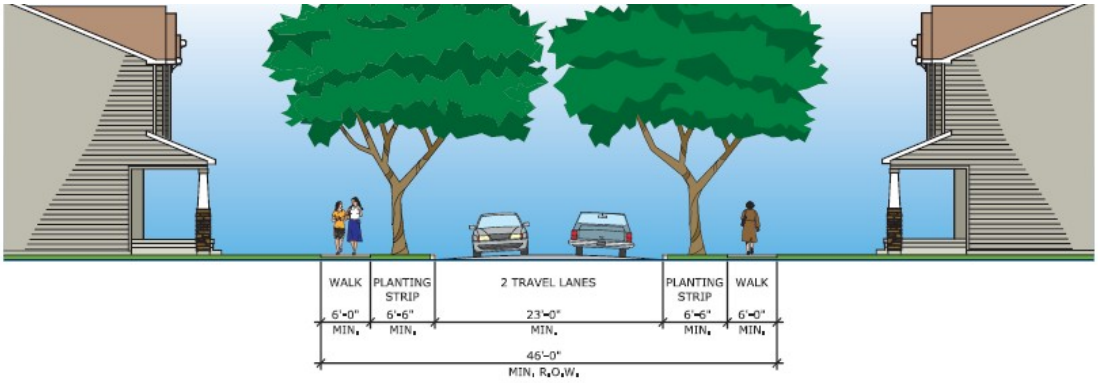
PLAN

LOCAL ACCESS RESIDENTIAL WITH PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1a

OCTOBER 20, 2009



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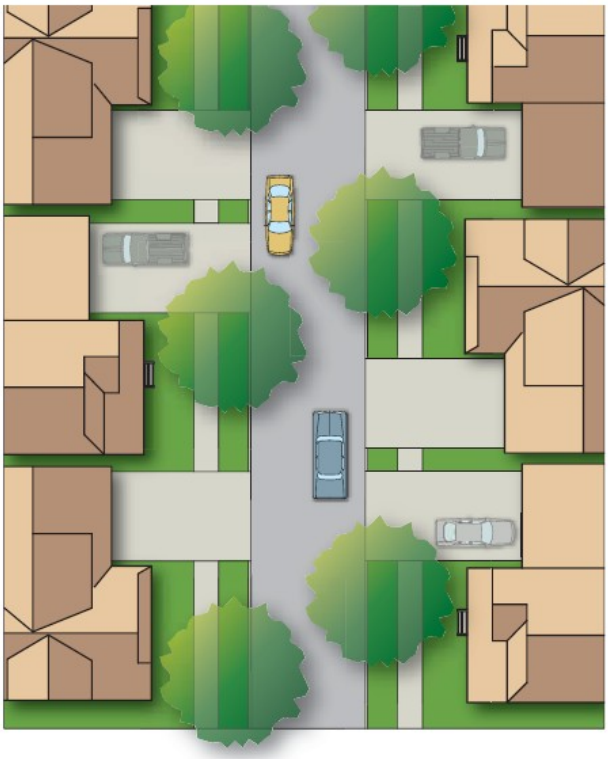

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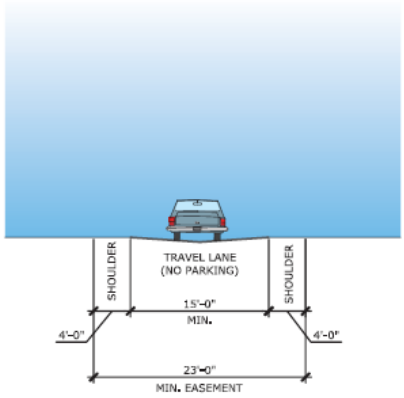
PLAN

LOCAL ACCESS RESIDENTIAL WITHOUT PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1b

OCTOBER 20, 2009



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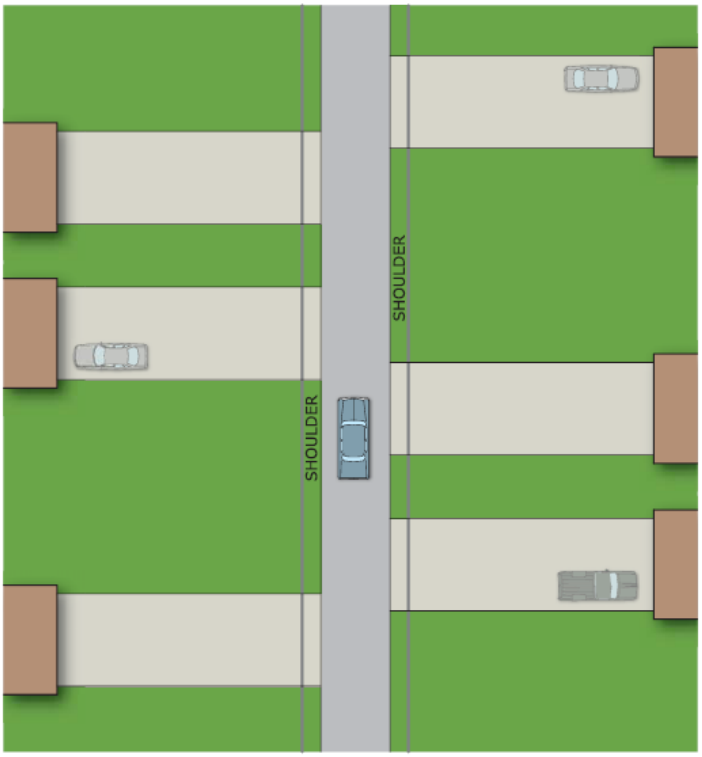
SECTION



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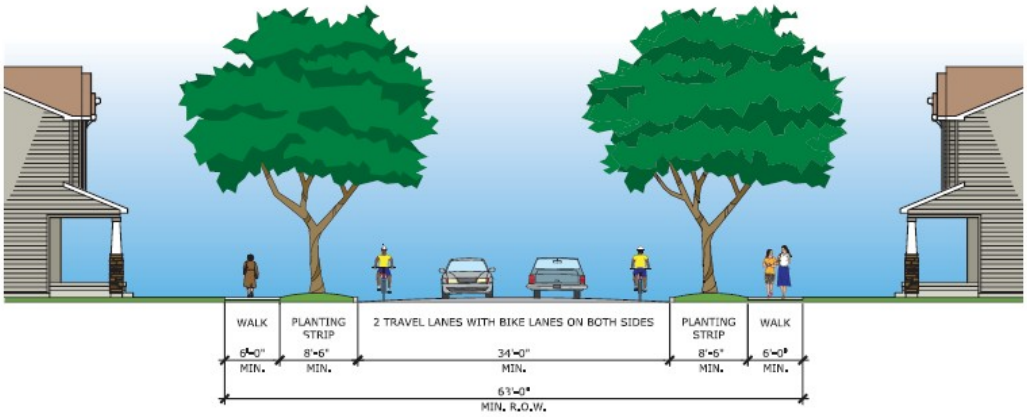
PLAN

ALLEY RESIDENTIAL

RIVER DISTRICT SAP EXHIBIT 6.2.1c

OCTOBER 20, 2009



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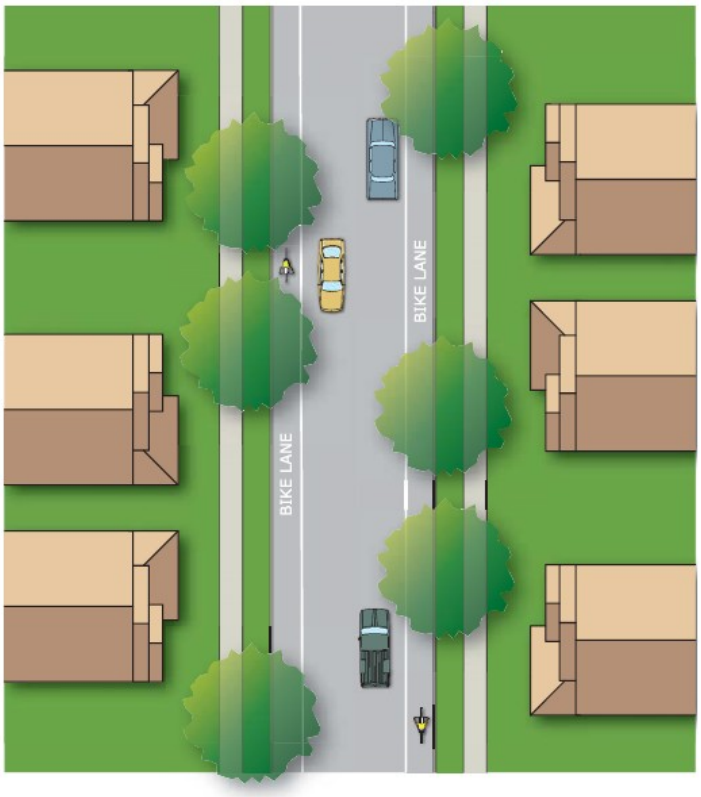

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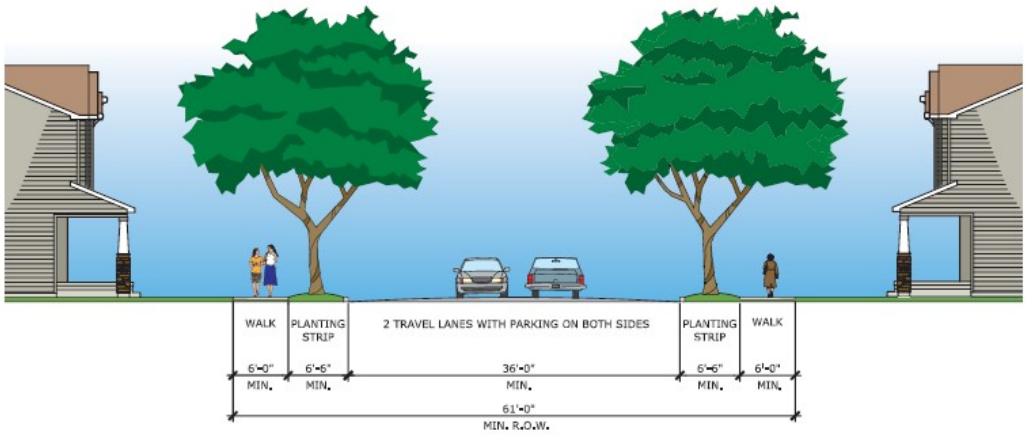
PLAN

URBAN COLLECTOR WITHOUT PARKING - WITH BIKE LANES

RIVER DISTRICT SAP EXHIBIT 6.2.1d

OCTOBER 20, 2009



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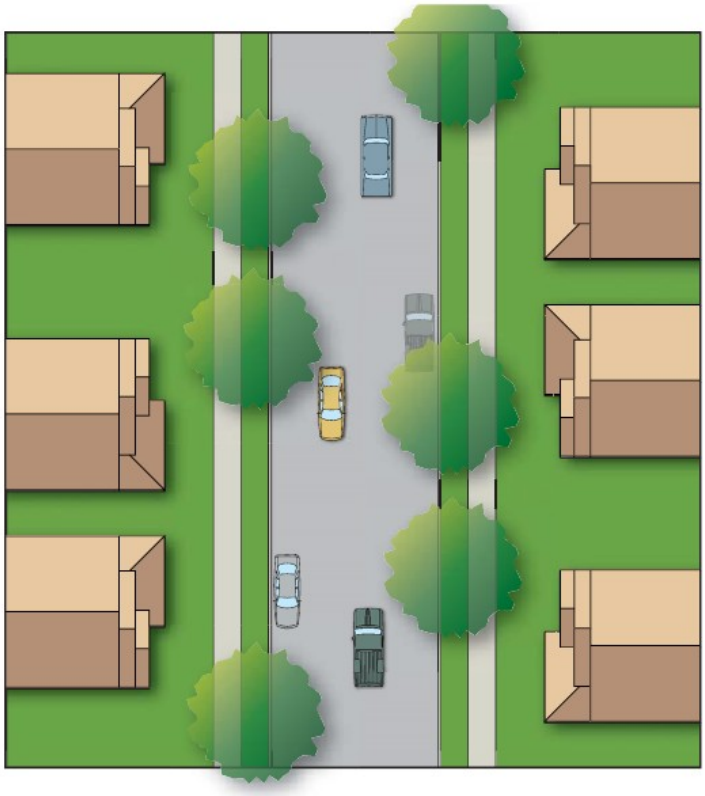
SECTION



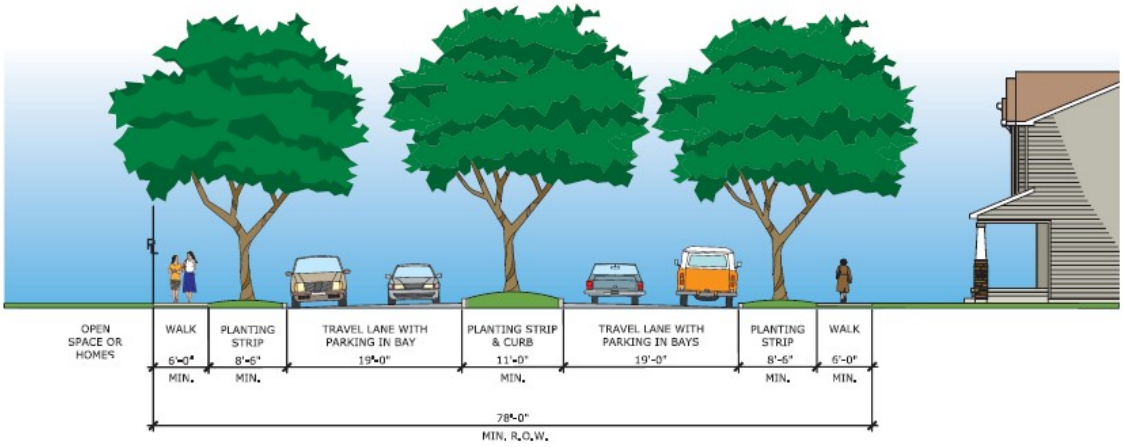
SCALE: N.T.S.

PLAN

URBAN COLLECTOR WITH PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1e

OCTOBER 20, 2009



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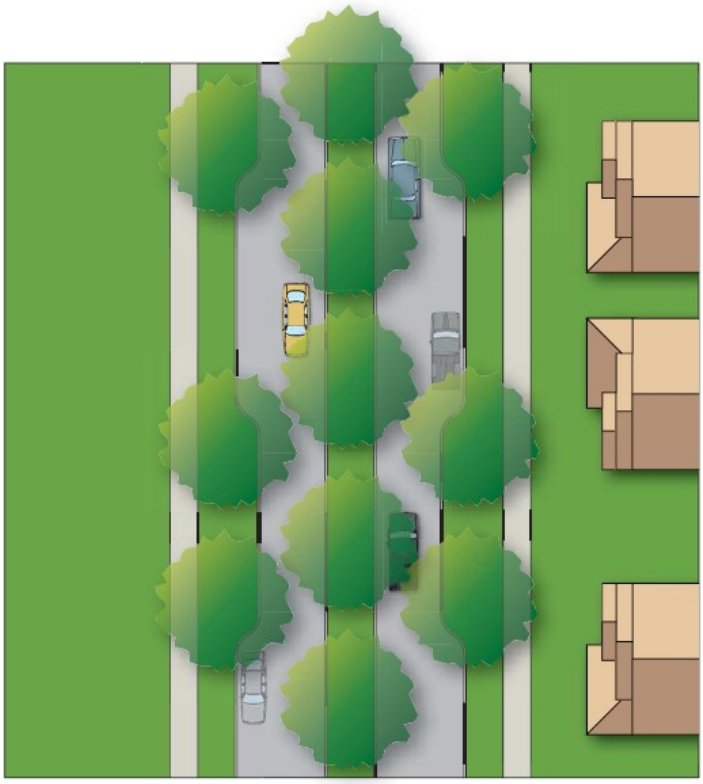

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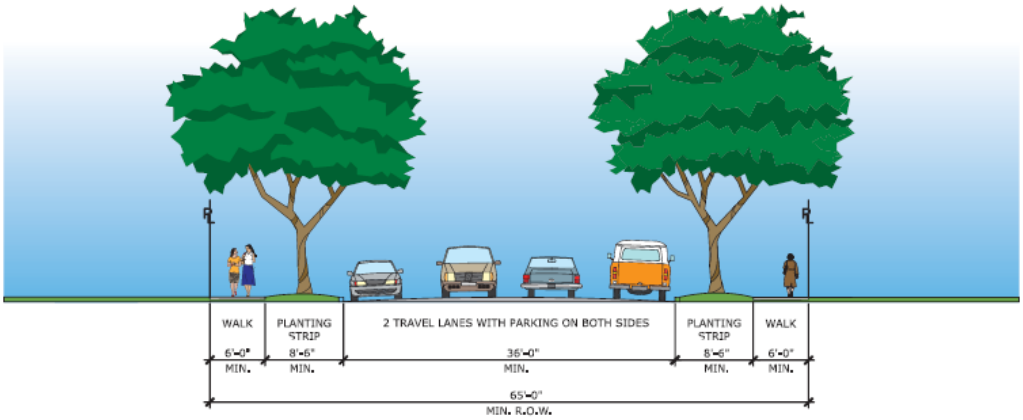
PLAN

URBAN COLLECTOR WITH BOULEVARD AND PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1f

OCTOBER 20, 2009



SCALE: N.T.S.

SECTION

SCALE: N.T.S.

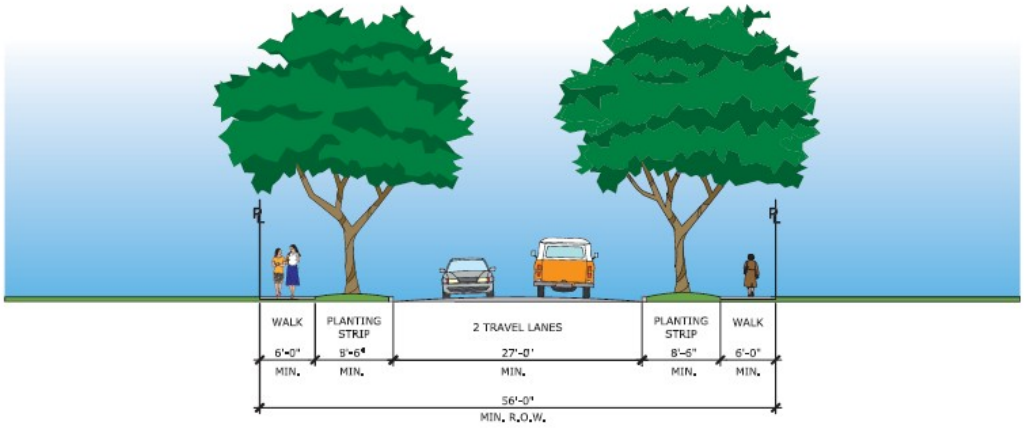
PLAN

LOCAL ACCESS COMMERCIAL/INDUSTRIAL WITH PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1g

OCTOBER 20, 2009

Greenstone
ENRICHED LIVING. LASTING VALUE.



SCALE: N.T.S.

SECTION

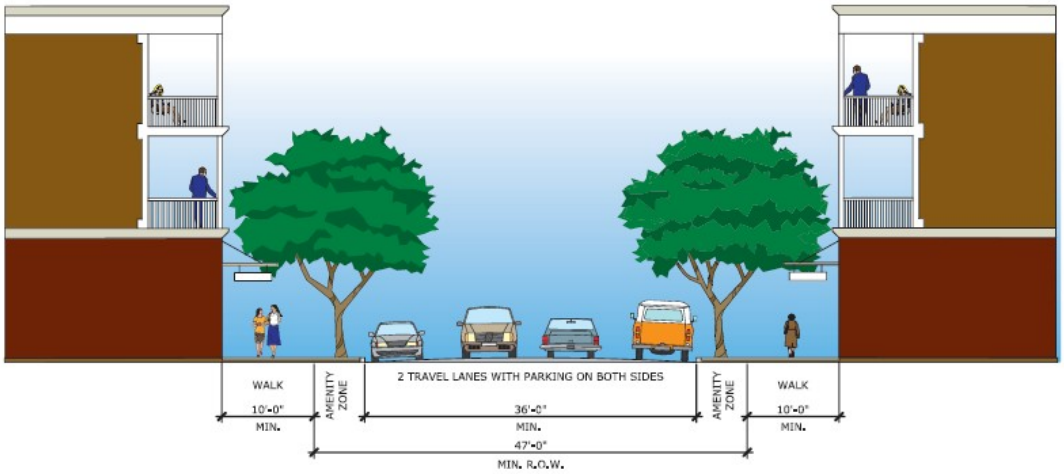
SCALE: N.T.S.

PLAN

LOCAL ACCESS COMMERCIAL/INDUSTRIAL WITHOUT PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1h

OCTOBER 20, 2009



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SECTION

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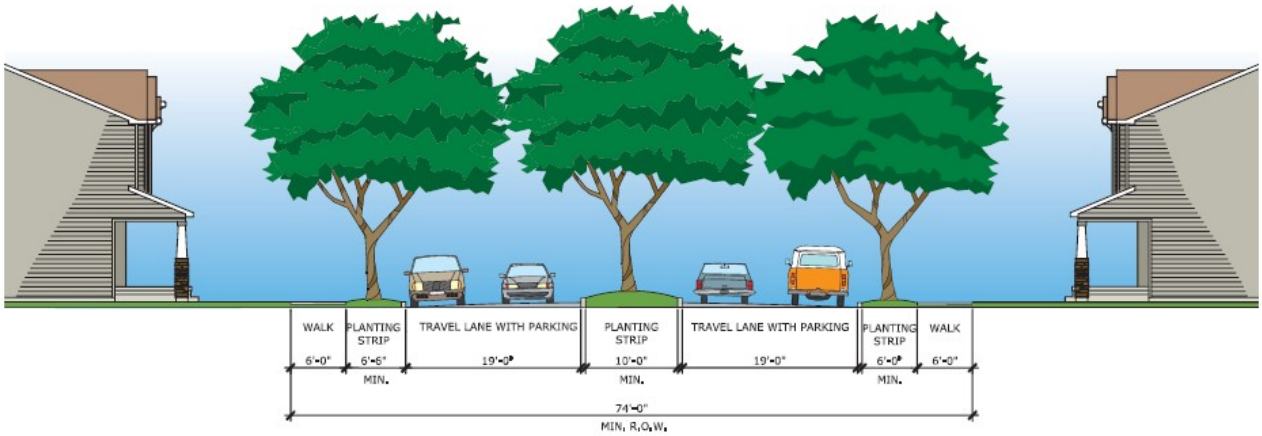
PLAN

URBAN COLLECTOR VILLAGE CENTER

RIVER DISTRICT SAP EXHIBIT 6.2.1i

OCTOBER 20, 2009



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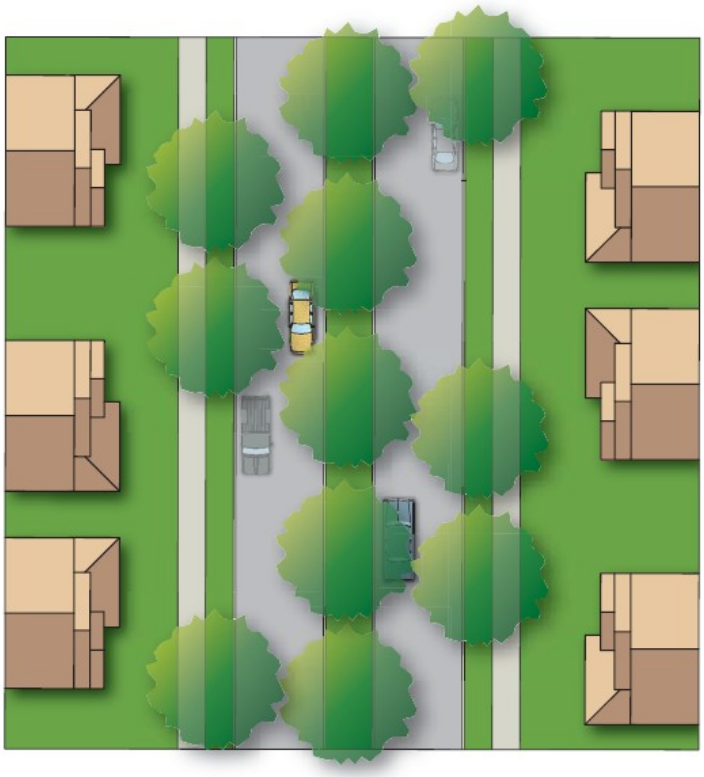

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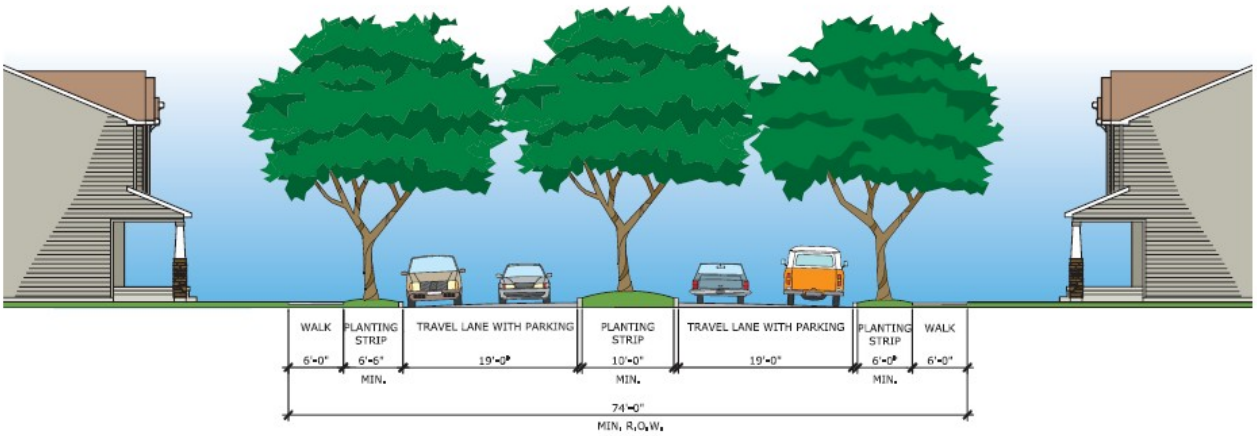
PLAN

LOCAL ACCESS RESIDENTIAL WITH BOULEVARD & PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1j

OCTOBER 20, 2009



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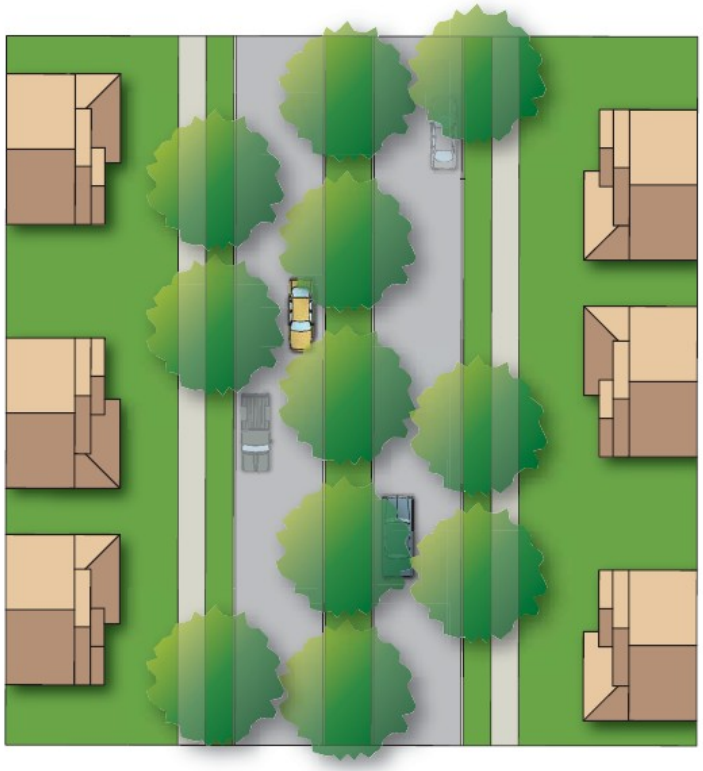

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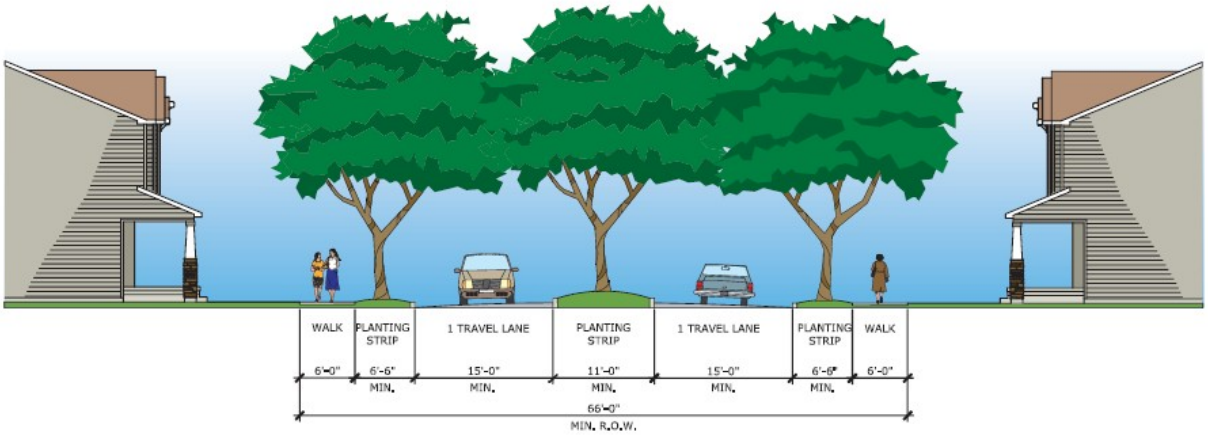
PLAN

LOCAL ACCESS COMMERCIAL WITH BOULEVARD & PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1j

OCTOBER 20, 2009



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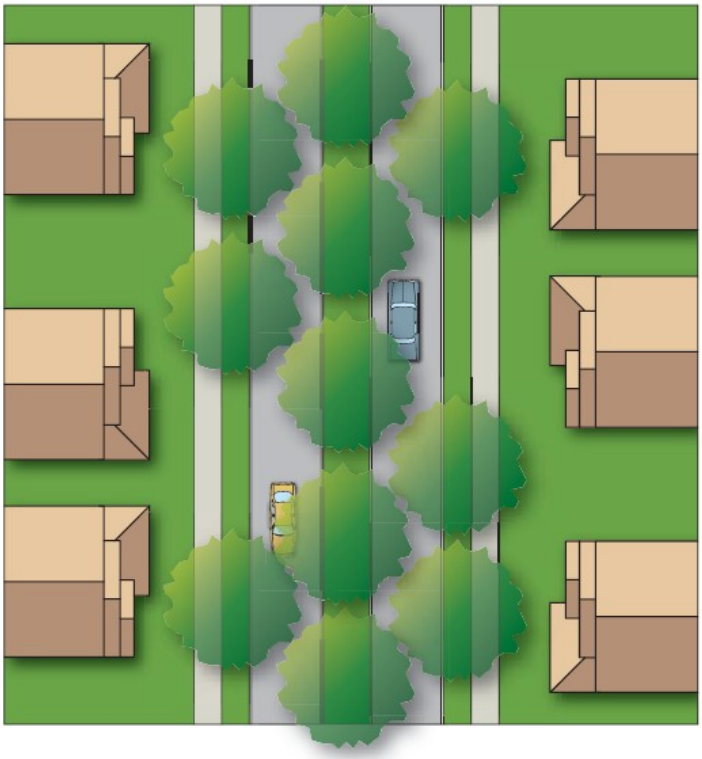

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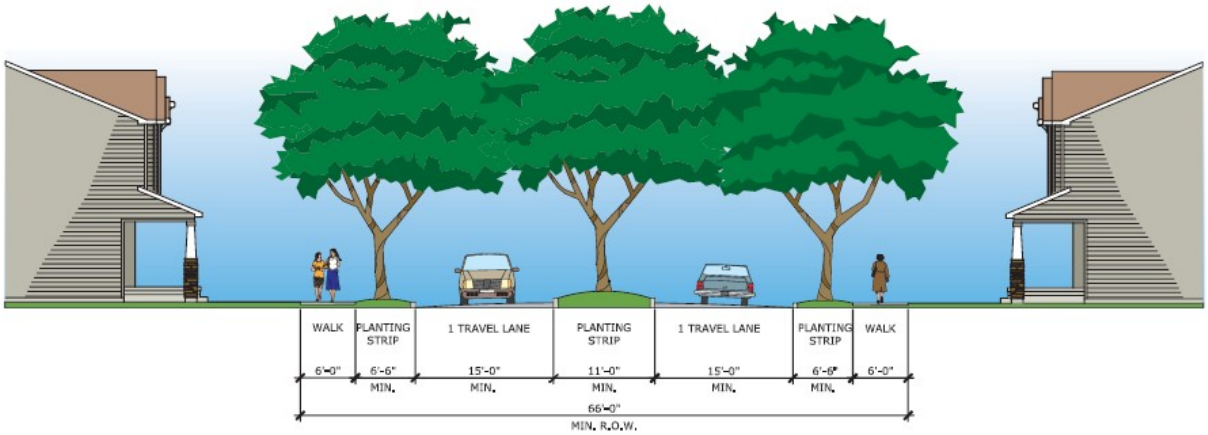
PLAN

LOCAL ACCESS RESIDENTIAL WITH BOULEVARD - WITHOUT PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1k

OCTOBER 20, 2009



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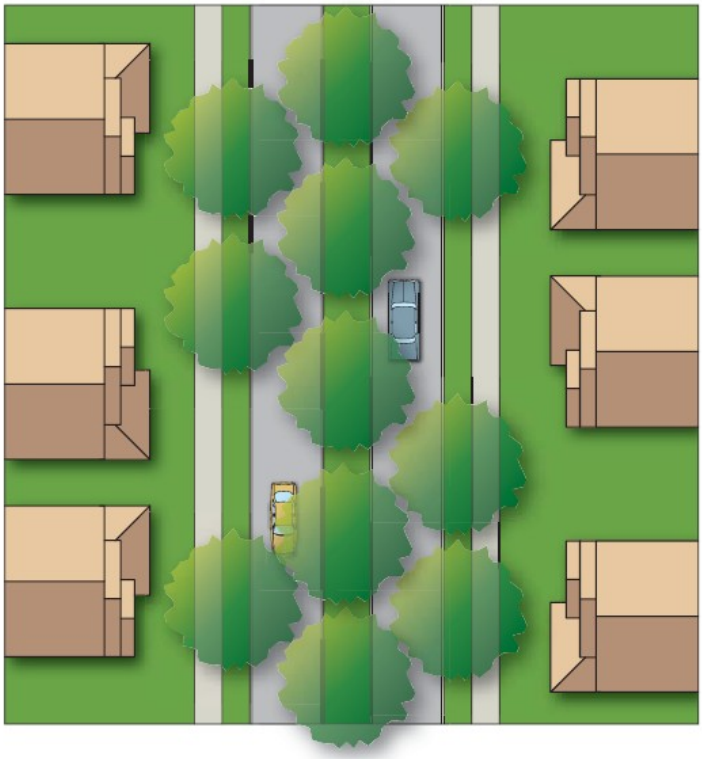

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PLAN

LOCAL ACCESS COMMERCIAL WITH BOULEVARD - WITHOUT PARKING

RIVER DISTRICT SAP EXHIBIT 6.2.1k

OCTOBER 20, 2009

Greenstone

June 30,2008

Amanda Tainio
22710 E. Country Vista Dr.
Liberty Lake , WA 990190

RE: River District Specific Area Plan Grading
Job #G0240

Amanda:

River District SAP is located in parts of section 8 & 9, T 25 N, R 45 E W.M. in the City of Liberty Lake on approximately 648.08 acres.
The area within the specific area plan (SAP) is fairly flat in its topography. The majority of the site has slopes that do not exceed 5%, the rest vary between 5-20% slopes in isolated areas.
The SAP will be developed in multiple phases. Each of the development phases will be designed so that the project site is fairly balanced in terms of cuts and fills. No import or export of appreciable quantities of fill or cut material is anticipated at this time.

Sincerely,

Doug Desmond, PE

Real Estate Development & Sales Project Management Construction
1421 N Meadowwood Lane, Suite 200 Liberty Lake, WA 99019 | 509-458-5860
Fax 509-458-5862 | www.greenstonehomes.com

River District SAP
Park and Greenway Plan

The River District Parks and Greenway Plan provides a network of public and private neighborhood and community parks, open spaces and greenways that incorporates a diverse range of recreational facilities and opportunities that will be accessible to the general public. This network of walkable parks and open spaces connects the neighborhoods of River District and creates a 'sense of place'. This community 'Greenway' system meets the goals and policies of the City of Liberty Lake's Comprehensive Plan elements for 'Parks and Open Space', 'Natural Environment' and 'Cultural Resources'. This plan is divided up into critical components that are inter-related and interdependent. These components include: Community Parks, Neighborhood Parks, Pocket Parks, River District Swim and Recreation Center and connecting Greenways. River District will also include substantial park and open space that may be reserved for the use of a particular project or neighborhood. These park and open space areas will be privately owned and maintained.

Community Parks:

Community parks fill a broader range of community needs than smaller neighborhood parks. The River District Parks and Greenway Plan includes two potentially public community parks that will meet a variety of needs.

Tentatively named **Orchard Park**, this community park consists of approximately 10 acres and is located on Indiana near the Powerline Greenway. Centrally located in the western half of the River District, this park provides key park facilities within easy walking distance of nearly 1000 current and future residents. Orchard Park could have a traditional mix of community park recreational facilities and opportunities for programmed activities. This park could include a combination of:

- Baseball and softball fields
- Soccer and open play fields
- Tennis courts
- Basketball courts
- Children's playgrounds
- Water spray play area
- Picnic shelters and restrooms.
- Trail connections to the Centennial Trail and River District Neighborhoods

The second community park would be a 'river fronting' park potentially named **Quinimose Park**. It would extend westerly from the existing Harvard Road Trail Head. Located in the heart of the River District, this park and greenway provides key park facilities within a five minute walk of over 1000 current and future residents. This community park incorporates Centennial Trail access with preservation of the unique landscapes and open spaces along this corridor. It also serves to provide a transitional buffer from the development of the River District Village Center and Riverside State Park. This public or privately owned/maintained park could include a combination of facilities that take advantage of the unique setting and the existing topography. Possibilities include:

- Large community amphitheater
- Sculpture walk
- Playground
- Expanded Trailhead Facilities including restroom
- Picnic facilities
- Open space
- Habitat restoration and preservation

Neighborhood Parks

Neighborhood Parks are the most critical unit of the park and greenway system. They are the recreational and social focus of a neighborhood. The development of unique, context sensitive neighborhood parks establishes a 'sense of place' for neighborhoods within the broader community. Two potential neighborhood park locations have been identified to meet the needs of the neighborhoods.

West River Park has been identified in the various documents as a neighborhood park located in the north west section of Liberty Lake where the powerlines meet Riverside State Park and the Centennial Trail. This park is within easy walking distance of over 400 current and future residents. This park, which could be either publicly or privately maintained and operated will have direct access to the Powerline Greenway and Centennial Trail. If private it would be maintained by the River District Homeowners Association. This park could include a combination of neighborhood scale facilities and amenities. For example:

- Soccer/baseball field
- Passive and active open spaces
- Tennis court
- Basketball court
- Volleyball court
- Bocce court
- Children's playgrounds
- Water spray play area
- Picnic shelter
- Trail connections to the Centennial Trail and River District Neighborhoods

River Bend Park has been identified in the various documents as a neighborhood park located east of Harvard Road in the northeast section of Liberty Lake where the gas pipeline easement meets Riverside State Park and the Centennial Trail. This park is within easy walking distance of a neighborhood that could have over 600 future residents. River Bend Park could be publicly or privately owned and maintained. It would be open to the public with direct access to the a greenway that connects Indiana and the River District Village Center to the Centennial Trail. It could be maintained by the City of Liberty Lake or River District Homeowners Association. This park could include a combination of neighborhood scale facilities and amenities. For example:

- Soccer or baseball field
- Passive and active open spaces
- Tennis court
- Basketball court
- Volleyball court
- Bocce court
- Children's playgrounds
- Water spray play area
- Picnic shelter
- Trail connections to the Centennial Trail and River District Neighborhoods

Pocket Parks

Parks and open space planning requires the creation of parks that meet the social, psychological and recreational needs of residents. Pocket parks a key component in creating social gathering places with lower levels of programmed activities. A pocket park provides visual relief from the structure of the neighborhood while introducing open space within increasing compact neighborhoods. Pocket parks like the existing Half Moon Park at the intersection of Holl Boulevard and Indiana ensure that Liberty Lake's Comprehensive Plan goal for a park within walking distance of every residence is achieved. These will be privately owned parks that are open to the public and maintained by the River District Homeowners Association. These parks could include a combination of the following amenities.

- Passive and informal recreation open space
- Pathways, benches and trees
- Children's playgrounds and small scale water play features
- Sculpture

River District Swim and Recreation Center

A large swimming pool and aquatic play complex associated with a recreational center located along Indiana between Orchard Park and the 'river fronting' park fills a key gap in the recreational needs of the community. This center would be located along the Spokane River corridor with views of the river and connections to the both the Centennial Trail and the community trail system. This privately owned and operated facility could be maintained the Home Owners Association or by a private organization. Funding for operations and maintenance could be through membership and/or daily use fees. and funded through a membership or user fee program. Facilities that could be included are:

- Swimming pool and aquatic play complex with separate adult and children's areas
- Tennis Courts
- Recreation center building with:
- Restrooms and changing areas
- Fitness center
- Fitness classrooms

- Community meeting space
- Recreation rooms for games and informal or organized activities.

Greenways

A greenway is a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road or other route. It is any natural or landscaped course for pedestrian or bicycle passage. An open-space connector linking parks, nature reserves, cultural features, or historic sites with each other and the with populated areas.

The River District Park and Greenway Plan identifies two unique types of greenways; Recreational and River Habitat. The recreational greenways feature paths and trails of various kinds that are part of an interconnected trail system that is structured around the Centennial Trail. A river habitat greenway is a natural corridor that usually runs along a river, stream or other significant feature to provide for wildlife migration and species interchange, nature study, hiking and biking.

Spokane River Habitat Greenway

The north boundary of River District is formed by Riverside State Park, the Centennial Trail and most importantly the Spokane River. The Spokane River Habitat Greenway expands upon the existing Washington State Parks ownership by providing an additional greenway along the Spokane River corridor. This greenway will extend a minimum of 200 feet from the Spokane River ordinary high water mark. It generally lies south of the Centennial Trail and provides corridor connections to both parks and trails including proposed neighborhood and community parks. This greenway connects the community physically and psychologically to the Spokane River through connections to other River District Trails and greenways. The primary function of the greenway is the preservation of open space and view corridors and the protection of habitat. The Spokane River Habitat Greenway could include the following facilities or amenities:

- Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail
- Habitat restoration and preservation

- Benches, water fountains and trash receptacles
- Interpretive signage

Powerline Trail Greenway

A 100' Avista powerline easement runs from the Spokane River to I-90 in the western portion of River District forming the basis for the Powerline Trail Greenway. This easement provides an opportunity to connect the commercial center at Telido Station to the Orchard Park and Centennial Trail with a greenway. This greenway connects the community physically and psychologically to the Spokane River Habitat Greenway and provides opportunities for residents to walk to major retail stores. The primary function of the greenway is pedestrian and bicycle transportation linkages and to provide Avista with access to the powerline. A large community orchard is planned within the greenway that will provide a cultural connection to agricultural and orchard uses that historically dominated the River District site. The orchard may be available for community "u-pick" or for sale in the farmers market. The greenway together with the community orchard will be owned and maintained by the River District HOA. The Powerline Trail Greenway could include the following facilities or amenities:

- Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail
- Community orchard
- Benches, water fountains and trash receptacles
- Interpretive signage recognizing cultural and agricultural history

Commercial Open Space Greenways

A 40' landscape buffer is planned between I-90 and the commercial property at Telido Station. This Commercial Open Space Greenway provides an opportunity to connect the commercial center at Telido Station to the Liberty Lake trail system and to provide a buffer between the high volume of traffic on I-90 and Telido Station. This greenway establishes the physical character of the River District Greenway system to travelers along I-90. The primary function of the greenway is pedestrian and bicycle transportation linkages and to provide a physical buffer between Telido Station and I-90. The greenway will be owned and maintained by private property owners and the Telido Station Property Owners Association. The Commercial Open Space Greenway could include the following facilities or amenities:

- Pathways and trails connecting the greenway to parks,

neighborhoods and the Centennial Trail
- Mixture of evergreen and deciduous trees and shrubs
- Berming, fencing and walls

Trail Greenway

Trail Greenways along Mission and Indiana, north and south connecting collector streets, and the gas pipeline easement east of Harvard Road; establish the open space character of the community. These greenways provide a physical and psychological connection that makes the River District a special place to live, work and play. The Trail Greenways provide the backbone of the greenway and trail system for the River District in the same way that Country Vista and Molter do for Liberty Lakes southern neighborhoods. This greenway reinforces the physical character of the River District Greenway system within the neighborhoods. The primary function of these greenways is pedestrian and bicycle transportation linkages to parks, other greenways, the Liberty Lake Trail system, Centennial Trail, Telido Station and the Village Center. These Trail Greenways could include the following facilities or amenities:

- Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail
- Benches, trash receptacles and drinking fountains
- Mixture of evergreen and deciduous trees and turf

River District Privately Owned and Maintained Open Space

Private open space, parks and swimming facilities are key components in the overall delivery of park and recreation services to current and future residents of Liberty Lake. Existing private facilities like the two swimming pools at Big Trout Lodge and The Villas provide recreational opportunities to a significant segment of the population. Together all of these parks and recreation facilities provide the range of opportunities for outdoor recreation and enjoyment that is unique to Liberty Lake. The River District Park and Greenway Plan continues this balanced collaboration between publicly provided parks and open space and privately operated and maintained open space that is also generally available to the public. Currently, these privately owned facilities include:

Half Moon Park (2.8 acres)
- Sand and water play area
- Open play areas
- Plaza

Park or Greenway	Potential Amenities	Approximate Size
Community Parks		
Orchard Park	■ Baseball and softball fields ■ Soccer and open play fields ■ Tennis courts ■ Basketball courts ■ Children's playgrounds ■ Water spray play area ■ Picnic shelters and restrooms. ■ Trail connections to the Centennial Trail and River District Neighborhoods	10 acres
Quinimose Park	■ Large community amphitheater ■ Sculpture walk ■ Playground ■ Expanded trailhead facilities including rest-room ■ Picnic facilities ■ Open space	10 acres
Neighborhood Parks		
West River Park	■ Soccer/baseball field ■ Passive and active open spaces ■ Tennis court ■ Basketball court ■ Volleyball court ■ Bocce court ■ Children's playgrounds ■ Water spray play area ■ Picnic shelter ■ Trail connections to the Centennial Trail and River District Neighborhoods	5 acres
River Bend Park	■ Soccer or baseball field ■ Passive and active open spaces ■ Tennis court ■ Basketball court ■ Volleyball court ■ Bocce court ■ Children's playgrounds ■ Water spray play area ■ Picnic shelter ■ Trail connections to the Centennial Trail and River District Neighborhoods	7 acres
Pocket Parks		
Pocket Parks #1 & #2	■ Passive and informal recreation open space ■ Pathways, benches and trees ■ Children's playgrounds and small scale water play features ■ Sculpture	.5 acre Each

River District Swim and Recreation Center		
	■ Swimming pool and aquatic play complex with separate adult and children's areas ■ Tennis Courts ■ Recreation center building with: ■ Restrooms and changing areas ■ Fitness center ■ Fitness classrooms ■ Community meeting space ■ Recreation rooms for games and informal or organized activities.	2.5 acres

Greenways		
Spokane River Habitat Greenway	■ Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail ■ Habitat restoration and preservation ■ Benches, water fountains and trash receptacles ■ Interpretive signage	15.5 acres
Powerline Trail Greenway	■ Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail ■ Community orchard ■ Benches, water fountains and trash receptacles ■ Interpretive signage recognizing cultural and agricultural history	3 acres
Commercial Open Space Greenways	■ Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail ■ Mixture of evergreen and deciduous trees and shrubs ■ Berming, fencing and walls	3.5 acres
Trail Greenways	■ Pathways and trails connecting the greenway to parks, neighborhoods and the Centennial Trail ■ Benches, trash receptacles and drinking fountains ■ Mixture of evergreen and deciduous trees and turf	9.5 acres
Total Public Parks and Greenways:		**67 acres**
River District Privately Owned Open Space	■ Passive Open Space ■ Stormwater Storage Areas ■ Evergreen and Deciduous Trees ■ Pathways and Trails	30 acres
	Total Public and Private	**97 acres**
	Approximate SAP Net	**619 acres**
	% Open Space	**15.7%**

Section 7

Environmental Checklist

Refer to Original Proposed River District Specific Area Plan Overlay Submittal - July 2008, for Environmental Checklist

Section 8

Geotechnical Information

Greenstone

June 30,2008

Amanda Tainio
22710 E. Country Vista Dr.
Liberty Lake , WA 990190

RE: River District Specific Area Plan Soils Verification
Job #G0240

Amanda:

River District SAP is located in parts of section 8 & 9, T 25 N, R 45 E W.M. in the City of Liberty Lake. The following is a list of soil types typical across the site.

Sheet 67 & 68 of the Soil Survey of Spokane County Wa. shows that the soil type for the area of the proposed project is:

GgA – Garrison gravelly loam, 0 to 5% slopes: This soil is a somewhat excessively drained soil. Surface runoff is slow, and there is little or no hazard to erosion.
GgB – Garrison gravelly loam, 5 to 20% slopes: This soil is a somewhat excessively drained soil. Surface runoff is slow, and there is little or no hazard to erosion.
GmB – Garrison very gravelly loam, 0 to 8% slopes: Similar to Garrison gravelly loam, except that the surface layer is very gravelly.
GnB – Garrison very stoney loam, 0 to 20% slopes: Similar to Garrison gravelly loam, except that the surface layer is very stoney.

Sincerely,

Doug Desmond, PE

Real Estate Development & Sales Project Management Construction
1421 N Meadowwood Lane, Suite 200 Liberty Lake, WA 99019 | 509-458-5860
Fax 509-458-5862 | www.greenstonehomes.com

Section 9

Assessor's Maps

Refer to Original Proposed River District Specific Area Plan Overlay Submittal - July 2008, for Assessor's Maps

Appendices

A.1 Changes to the Zoning Matrix

A.2 R-2 Changes

A.3 M-2 Changes

A.4 C-1 Changes

A.5 Agreement to Pay Fees

A.6 Certificate of Water and Sewer Availability

Refer to Original Proposed River District Specific Area Plan Overlay Submittal - July 2008, for Appendix Items