FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE PLANNING COMMISSION

IN THE MATTER OF CASE NO. CPA2019-0010/LUA2019-0017, A CITY-INITIATED PROPOSAL TO AMEND CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT REGULATIONS TO REPLACE ALL REFERENCES TO "PLANNING & COMMUNITY DEVELOPMENT DIRECTOR" WITH "ZONING ADMINISTRATOR".

HEARING DATE: August 14, 2019 @ 4:00 p.m.

PROPOSAL COORDINATOR: Lisa D. Key, Director of Planning, Engineering & Building Services

PROPOSAL SUMMARY:	
Location	Citywide
Applicant(s)	City of Liberty Lake
Proposal Information	2019 Development Code Amendment
Code Chapter / Section	**Proposed City Development Code & River District Development Code Amendment** Replace "Planning & Community Development Director", "P&CD Director", and "Director" with "Zoning Administrator" throughout the City Development Code and River District Development Regulations. Replace "Planning & Community Development Department" and "P&CD Department" with "City" or "City staff", as appropriate throughout the City Development Code and River District Development Regulations.
Numerous Sections	**See Exhibit A.**

STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:

RCW 36.70A: Growth Management Act (GMA):

Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development

Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.

WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations

Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.

WAC 197-11: State Environmental Policy Act (SEPA) Rules:

Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-4B-5: Type IV Projects:

Comprehensive Plan and Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.

SEPA REVIEW:

SEPA Checklists were completed for the proposed annual amendments to the City of Liberty Lake's Comprehensive Plan and Development Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Documents on July 19, 2019. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on or before July 23, 2019, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the July 19, 2019 edition of the Valley News Herald. On or before July 23, 2019, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the amendment applicants. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on August 5, 2019.

PROCEDURAL INFORMATION:

Planning Commission 2019 Annual Comprehensive Plan and Code Amendment Docket Review:	May 8, 2019
Planning Commission Workshop on CPA2019-0010/LUA2019-0017:	July 10, 2019

SEPA Notice/ Public Hearing Notice:	July 19, 2019
SEPA Comment/Appeal Period Ends:	August 5, 2019
Planning Commission Hearing:	August 14, 2019
Ratification of Recommendations:	September 11, 2019

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; WS Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District; Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

Governance Policy 1: The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

Governance Policy 4: Regulations developed by the City of Liberty Lake will not result in or constitute a taking of private property and shall be evaluated as provided for in RCW 36.70A.370.

Governance Policy 6: Review and update this Comprehensive Plan and the City's Development Regulations at least every 8 years in accordance with the provisions of the Washington State Growth Management Act.

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

STAFF ANALYSIS:

Under the City Development Code, the position of Planning & Community Development Director is vested with certain specific administrative and decision-making responsibilities, including code interpretations, administrative permits and approvals, including minor subdivisions and binding site plans, minor modifications, SEPA decisions, etc. With the City reorganization that occurred in 2018, there is no longer the position of Planning & Community Development Director in the City of Liberty Lake. That position has been replaced by the Director of Planning and Engineering, who oversees the Planning, Engineering, and Building Services (PEBS) Department. The new position could be held by either the City Planner or the City Engineer, provided they have significant experience in municipal or public administration. Therefore, in order to align the development code with current and potential future staffing, the duties of the Planning & Community Development Director should be assigned to the "Zoning Administrator", which should be defined as the Director of Planning & Engineering, or his/her designee. Thus, in the event that the Director is the City Engineer, the City Planner would likely be delegated the role of "Zoning Administrator". Edits also update references to "Planning & Community Development" and its abbreviation "P&CD".

FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.

2. All public and agency notice requirements were met and accomplished in a timely manner.

3. The public was provided the opportunity for early and continuous participation.

4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:
*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

CONCLUSIONS:

1. The proposed amendment **IS** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare.

2. The proposed amendment **IS NOT** warranted by a change in economic, technological and/or land use conditions.

3. The proposed amendment **IS NOT** necessary to correct an error.

4. The proposed amendment **IS** necessary to clarify meaning or intent.

5. The proposed amendment **IS NOT** necessary to provide for a proposed use that was not previously addressed.

6. The proposed amendment **IS** deemed necessary as being in the public interest.

RECOMMENDATION:
In the matter of Case No. CPA2019-0010/ LUA2019-0017, an amendment to City of Liberty Lake Municipal

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Code and River District Development Regulations to replace all references to “Planning & Community Development Director” with “Zoning Administrator”, the City of Liberty Lake Planning Commission does hereby recommend to City Council that the amendment be **APPROVED.**

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EXHIBIT A

PROPOSED AMENDMENTS TO THE CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT REGULATIONS TO REPLACE ALL REFERENCES TO "PLANNING & COMMUNITY DEVELOPMENT DIRECTOR" WITH "ZONING ADMINISTRATOR"

CHAPTER 1

§10-1B-5 Pre-Existing Approvals

B. Subsequent development applications. All development proposals received by the ~~Director of Planning and Community Development ("Director")~~ Zoning Administrator 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

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

A. Building permit. A building permit shall not be issued until the ~~Director~~ Zoning Administrator 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.

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§10-1B-8 Alternative Methods of Compliance.

The ~~Director~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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

B. Definitions.

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~~ Zoning Administrator may exercise discretion in determining qualifying relationships.

Home occupation - A 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~~the City. These uses require approval of a Home Occupation Permit as set forth in Section 10-4I-2.

Temporary Use - A use approved for location on a lot for a period not to exceed 90 days 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~~the City. These uses require approval of a Temporary Use Permit as set forth in Section 10-4I-1.

Zoning Administrator – The Director of Planning, Engineering & Building Services, or his/her designee.

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§10-1D-3 Penalty.

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~~ Zoning Administrator 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~~ Zoning Administrator, 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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")~~ City.

B. File complaint with ~~Director~~ Zoning Administrator. Investigation requests, stating fully the causes and basis thereof, shall be filed with the ~~Director of Planning and Community Development~~ Zoning Administrator. The ~~Director~~ Zoning Administrator 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~~ Zoning Administrator 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.

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§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~~ Zoning Administrator 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~~ Zoning Administrator.

1. The ~~Director~~ Zoning Administrator 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~~ Zoning Administrator has found the person to be in violation of the City of Liberty Lake Development Code, 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~the Zoning Administrator by mail or personal delivery with the required appeal fee as set forth in the ~~Planning & Community Development Department~~City 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 Zoning Administrator. 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~~ Zoning Administrator 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.

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§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~~ Zoning Administrator 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~~ Zoning Administrator 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:

§10-2A-3 Determination of Zoning District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the ~~P&CD Director~~Zoning Administrator in accordance with the following:

A. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

C. Boundaries indicated as approximately following a City boundary, or the Urban Growth Area Boundary, shall be construed as following said boundary;

D. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following river, stream and/or drainage channels or basins, as applicable; and

E. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a zoning district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject zoning districts.

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§10-2B-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2B-10 Architectural Guidelines and Special Standards

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 R-1 Zone:

1. Acceptable Roofing Materials
    a. Composition
    b. Concrete tile
    c. Slate
    d. Cedar Shake
    e. Metal - tile or shake only
    f. Copper Shake
    g. Other materials determined acceptable by the ~~Planning & Community Development~~

~~Director~~ Zoning Administrator

2. Prohibited Roofing Materials
   a. Corrugated Metal

3. Acceptable Siding Materials
   a. Brick
   b. Stucco or Dryvit
   c. Cultured or Natural Stone
   d. Wood or Cedar Shake
   e. T-111 or Composite
   f. Vinyl Lap
   g. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal

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~~ Zoning Administrator

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§10-2C-4 Conditional Uses

C. Requirements for Specific R-2 Conditional Uses.

9. Macro 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.
      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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2C-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2C-10 Architectural Guidelines and Special Standards

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 R-2 Zone:

1. Acceptable Roofing Materials
   a. Composition
   b. Concrete tile
   c. Slate
   d. Cedar Shake
   e. Metal - tile or shake only
   f. Copper Shake
   g. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

2. Prohibited Roofing Materials
   a. Corrugated Metal

3. Acceptable Siding Materials
   a. Brick
   b. Stucco or Dryvit
   c. Cultured or Natural Stone
   d. Wood or Cedar Shake

e. T-111 or Composite
f. Vinyl Lap
g. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal

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~~ Zoning Administrator

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§10-2D-3 Limited Uses (L)

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 must be accessory to a residence on the same site.

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15. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards. This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;
b. The ~~Planning & Community Development Department~~Zoning Administrator shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;
c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and
d. The building placement, landscaping, and/or design of windows on the non- zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

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§10-2D-4 Conditional Uses

C. Requirements for Specific R-2 Conditional Uses.

8. Macro 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.
The applicant shall perform and provide documentation of a visual simulation of the site plan.

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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2D-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2D-8 Building Height

A. Building Height Standard. Buildings within the R-3 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in "C" below. Roof equipment and other similar features visible from a street or I-90 which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2D-10 Architectural Guidelines and Special Standards

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 R-3 Zone:

1. Acceptable Roofing Materials
    a. Composition
    b. Concrete tile
    c. Slate
    d. Cedar Shake
    e. Metal - tile or shake only
    f. Copper Shake
    g. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Wood or Cedar Shake
    e. T-111 or Composite
    f. Vinyl Lap
    g. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator
4. Prohibited Siding Materials
    a. Corrugated Metal
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~~ Zoning Administrator

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§10-2E-3 Limited Uses (L)

8. 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 must be accessory to a residence on the same site.

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20. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards. This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;
b. The ~~Planning & Community Development Department~~Zoning Administrator shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;
c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and
d. The building placement, landscaping, and/or design of windows on the non- zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

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§10-2E-4 Conditional Uses

C. Requirements for Specific M-1 Conditional Uses.

3. Macro 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.
The applicant shall perform and provide documentation of a visual simulation of the site plan.

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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2E-6 Development Setbacks

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 Building Code and Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. ~~P&CD~~The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

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§10-2E-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2E-8 Building Height

A. Building Height Standard. Buildings within the M-1 Zone shall be no more than 35 feet tall. The maximum height may be increased by 10 feet when housing is provided above the ground floor ("vertical mixed use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2E-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2E-10 Architectural Guidelines and Special Standards

E. 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 M-1 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. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator
2. Prohibited Roofing Materials
    a. 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. Painted corrugated metal (only with detailing)
j. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing below)
   c. 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~~ Zoning Administrator

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§10-2F-3 Limited Uses

4. Large-scale retail establishments

   b. Development Agreement - Prior to building permit issuance for a large-scale retail establishment or at the time of a property ownership change, the City will require property owners (including assigns, heirs, and successors in interest) to sign an agreement, that the City will record with the Spokane County Auditor, to cover the following:
      1. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large- scale retail establishment from occupying the vacated building);
      2. The property owner agrees to provide a notice of closure to the ~~Director of Planning and Community Development~~ Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and
      3. The property owner agrees to meet with the ~~Director of Planning & Community Development~~ Zoning Administrator at least three (3) months prior to an anticipated store closure to discuss their exit strategy and facilitate opportunities for building / property reuse and redevelopment. At this meeting, the property owner will provide a maintenance plan for normal repairs and upkeep of property, in compliance with Article 10-3I (Property Maintenance Standards) of the City Development Code and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.

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   f. 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~~ Zoning Administrator 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, etc. shall be reviewed and approved by the ~~Director of Planning & Community Development~~ Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

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10. 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 must be accessory to a residence on the same site.

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27. Zero-lot line (single family courtyard home)

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards. This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;
b. The ~~Planning & Community Development Department~~Zoning Administrator shall approve the minimum rear and front setbacks and they shall be drafted on the final PUD Plat;
c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and

d. The building placement, landscaping, and/or design of windows on the non- zero lot line sides of the structure shall provide a buffer for the occupants of abutting lots. The side of the building which is located on the property line, cannot have any openings (vents, windows, doors, etc.), nor an eave that overhangs the property line.

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§10-2F-4 Conditional Uses

C. Requirements for Specific M-2 Conditional Uses.

3. Macro 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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2F-6 Development Setbacks

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 Building Code and Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. ~~P&CD~~The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

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§10-2F-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2F-8 Building Height

A. Building Height Standard. Buildings within the M-2 Zone shall be no more than 50 feet tall. The maximum height may be increased by 10 feet when residential housing is provided above the ground floor ("vertical mixed use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2F-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2F-10 Architectural Guidelines and Special Standards

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 M-2 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~~ Zoning Administrator

2. Prohibited Roofing Materials
   a. 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. Painted corrugated metal (only with detailing)
   j. Other materials determined acceptable by the Planning & Community Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. 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~~ Zoning Administrator

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§10-2G-3 Limited Uses

3. Large-scale retail establishments

   b. Development Agreement - Prior to building permit issuance for a large-scale retail establishment or at the time of a property ownership change, the City will require property owners (including assigns, heirs, and successors in interest) to sign an agreement, that the City will record with the Spokane County Auditor, to cover the following:
      1. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large- scale retail establishment from occupying the vacated building);

2. The property owner agrees to provide a notice of closure to the ~~Director of Planning and Community Development~~ Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and
3. The property owner agrees to meet with the ~~Director of Planning & Community Development~~ Zoning Administrator at least three (3) months prior to an anticipated store closure to discuss their exit strategy and facilitate opportunities for building / property reuse and redevelopment. At this meeting, the property owner will provide a maintenance plan for normal repairs and upkeep of property, in compliance with Article 10-3I (Property Maintenance Standards) of the City Development Code and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.

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f. 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~~ Zoning Administrator 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, etc. shall be reviewed and approved by the ~~Director of Planning & Community Development~~ Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

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9. 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 must be accessory to a residence on the same site.

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§10-2G-4 Conditional Uses

C. Requirements for Specific M-3 Conditional Uses.

3. Macro 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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2G-6 Development Setbacks

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 Building Code and Fire Code. Walls

and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. ~~P&CD~~The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

§10-2G-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

§10-2G-8 Building Height

A. Building Height Standard. Buildings within the M-3 Zone shall be no more than 50 feet tall. The maximum height may be increased by 10 feet when residential housing is provided above the ground floor ("vertical mixed use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

§10-2G-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

§10-2G-10 Architectural Guidelines and Special Standards

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 M-3 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Concrete tile
    c. Slate
    d. Cedar Shake
    e. Metal - tile or shake only
    f. Copper Shake
    g. Painted corrugated metal
    h. Other materials determined acceptable by the ~~Planning & Community Development~~

~~Director~~ Zoning Administrator

2. Prohibited Roofing Materials
    a. 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. Painted corrugated metal (only with detailing)
    j. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. 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~~ Zoning Administrator

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§10-2H-3 Limited Uses

7. Tower
    a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.
    b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
    c. The tower shall not exceed 15 feet above the maximum height of the underlying zone.
    d. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, 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.
    e. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

8. 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 residence on the same site.

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§10-2H-4 Conditional Uses

C. Requirements for Specific C-1 Conditional Uses.

4. Macro 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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2H-8 Building Height

A. Building Height Standard. Buildings within the C-1 Zone shall be no more than 70 feet tall, except when a lot is adjacent to an R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2H-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2H-10 Architectural Guidelines and Special Standards

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 C-1 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
   a. Composition
   b. Composition 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~~ Zoning Administrator
2. Prohibited Roofing Materials
   a. 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
f. Wood
g. Vinyl - tile or shake only
h. Metal - tile or shake only
i. Painted corrugated metal (only with detailing)
k. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. 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~~ Zoning Administrator

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§10-2I-3 Limited Uses

2. Large-scale retail establishments

   b. Development Agreement - Prior to building permit issuance for a large-scale retail establishment or at the time of a property ownership change, the City will require property owners (including assigns, heirs, and successors in interest) to sign an agreement, that the City will record with the Spokane County Auditor, to cover the following:

      1. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large- scale retail establishment from occupying the vacated building);
      2. The property owner agrees to provide a notice of closure to the ~~Director of Planning and Community Development~~ Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and
      3. The property owner agrees to meet with the ~~Director of Planning & Community Development~~ Zoning Administrator at least three (3) months prior to an anticipated store closure to discuss their exit strategy and facilitate opportunities for building / property reuse and redevelopment. At this meeting, the property owner will provide a maintenance plan for normal repairs and upkeep of property, in compliance with Article 10-3I (Property Maintenance Standards) of the City Development Code and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.

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f. 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~~ Zoning Administrator 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, etc. shall be reviewed and approved by the ~~Director of Planning & Community Development~~ Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

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8. 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 residence on the same site.

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§10-2I-4 Conditional Uses

C. Requirements for Specific C-2 Conditional Uses.

2. Macro 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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2I-8 Building Height

A. Building Height Standard. Buildings within the C-2 Zone shall be no more than 70 feet tall, except when a lot is adjacent to an R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2I-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2I-10 Architectural Guidelines and Special Standards

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 C-2 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composition 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~~ Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
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. Painted corrugated metal (only with detailing)
    l. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator
4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. 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~~ Zoning Administrator

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§10-2J-3 Limited Uses

7. Tower

a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.
b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
c. The tower shall not exceed 15 feet above the maximum height of the underlying zone.
d. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, 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.

Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

8. 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 residence on the same site.

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§10-2J-4 Conditional Uses

C. <u>Requirements for Specific I Conditional Uses</u>.

2. Macro 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.
j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

3. Macro Wireless communication support tower
a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.
b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
c. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high. The ~~Director~~ Zoning Administrator may waive the site obscuring secured fence requirement provided the applicant has secured all on the ground ancillary equipment in a locked cabinet designed to be compatible with and blend into the setting and provided that when a locked fence is not required the means of access for the support tower is located a minimum of 12 feet above the ground.
d. The tower shall not exceed 15 feet above the maximum height of the underlying zone. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
e. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, 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.

f. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.

g. The facility shall meet the minimum landscaping and setback requirements for the underlying zone.

h. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.

i. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. The applicant shall have provided 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.

j. The owner of the support tower shall notify the City of Liberty Lake ~~Planning & Community Development Department~~ when the tower is no longer utilized. Within 6 months of the date the tower ceases to be utilized, the support tower must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

k. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2J-8 Building Height

A. Building Height Standard. Buildings within the I Zone shall be no more than 70 feet tall, except when a lot is adjacent to an R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2J-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2J-10 Architectural Guidelines and Special Standards

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 I Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composition 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~~ Zoning Administrator

2. Prohibited Roofing Materials
    a. Corrugated Metal

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. Painted corrugated metal (only with detailing)
    m. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. 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~~ Zoning Administrator

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§10-2K-4 Conditional Uses

7. Recycling collection center
    a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
    b. The site shall either be bermed with landscaping to preclude viewing from adjacent properties and/or fenced with a sight-obscuring fence as determined by the

~~Director~~ Zoning Administrator.

8. Solid waste transfer site – EPF
   a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
   b. The site shall either be bermed with landscaping to preclude viewing from adjacent properties and/or fenced with a sight-obscuring fence as determined by the ~~Director~~ Zoning Administrator.
   c. Before issuance of a conditional use 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. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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12. Macro 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.

j. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

13. Macro wireless communication support tower

a. The tower shall be enclosed by a 6-foot sight-obscured fence with a locking gate; however, no barbed wire or razor wire shall be permitted.

b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.

c. Support tower foundations, equipment shelters, cabinets or other on-the ground ancillary equipment shall be buried below ground or screened with a site obscuring secured fence not less than 6 feet high. The ~~Director~~ Zoning Administrator may waive the site obscuring secured fence requirement provided the applicant has secured all on the ground ancillary equipment in a locked cabinet designed to be compatible with and blend into the setting and provided that when a locked fence is not required the means of access for the support tower is located a minimum of 12 feet above the ground.

d. The tower shall not exceed 15 feet above the maximum height of the underlying zone. The height of the support tower means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if the highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.

e. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, 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.

f. The wireless communication company shall secure the necessary property or easement to assure for the proper construction, continued maintenance, and general safety of the properties adjoining the wireless communication facility.

g. The facility shall meet the minimum landscaping and setback requirements for the underlying zone.

h. Support towers shall not be permitted inside a public park, public monument or private inholding located within a public park or public monument.

i. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. The applicant shall have provided 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.

j. The owner of the support tower shall notify the City of Liberty Lake ~~Planning &~~

~~Community Development Department~~ when the tower is no longer utilized. Within 6 months of the date the tower ceases to be utilized, the support tower must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

k. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.

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§10-2K-8 Building Height

A. Building Height Standard. Buildings within the P Zone shall be no more than 70 feet tall, except when a lot is adjacent to an R-1 (Single Family Residential) Zone, then the maximum height is 40 feet. Roof equipment and other similar features which are necessary to the commercial / industrial operation shall be screened, and shall not exceed 6 feet in height, which shall be included within the maximum height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2K-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2K-10 Architectural Guidelines and Special Standards

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 apply to new construction projects or remodels/additions to existing projects in the P Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composition 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~~ Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
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. Painted corrugated metal (only with detailing)
j. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. 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~~ Zoning Administrator

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§10-2L-8 Building Height

A. Building Height Standard. Buildings within the O Zone shall be no more than 35 feet tall. Roof equipment and other similar features which are necessary to the commercial operation shall be screened, and shall not exceed 6 feet in height. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2L-9 Building Orientation

D. Variances. These standards shall not be changed through a Variance. The ~~Director~~ Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

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§10-2L-10 Architectural Guidelines and Special Standards

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 O Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
   a. Composition

b. Composition Flat Roof
c. Concrete tile
d. Slate
e. Cedar Shake
f. Metal - tile or shake only
g. Copper Shake
h. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

2. Prohibited Roofing Materials
   a. Corrugated Metal

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. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. 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~~ Zoning Administrator

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CHAPTER 3:

§10-3B-2 Vehicular Access & Circulation

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Access Streets. A minimum of 50 feet separation between driveways 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), except as provided in subsection 3, below or unless a shared driveway, as outlined in Section 10-3B-2, subsection "I" below, is utilized. Single family, two-family, and three-family uses may not be required to comply with the 50 foot minimum separation, however compliance with Section 10-

3B-2, subsection "K" below shall be required.

a. Exception. If existing parcel configuration prevents required access spacing or shared approaches, the access spacing may be reduced, as determined by the ~~P&CD Director~~ Zoning Administrator.

2. 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. A minimum of 300 feet separation between driveways shall be required on arterial streets and a minimum of 150 feet separation between driveways shall be required on collector streets. A minimum of 300 feet separation between intersections on arterial and collector streets shall be required.

   a. The City may require additional separation between driveways or intersections on arterials and collectors designated as Aesthetic Corridors / Boulevards on the City Comprehensive Plan Land Use Map to allow for landscaped medians, consistent with street design and traffic safety standards.

   b. Exception. If existing parcel configuration prevents required access spacing or shared approaches, the access spacing may be reduced, as determined by the ~~Director~~ Zoning Administrator / Designee. The City also has the discretion to allow a decrease in the access spacing for public safety.

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~~ Zoning Administrator or designee:

1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 30 feet

2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 30 feet.

3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the ~~Director~~ Zoning Administrator determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

4. Driveway widths for all other uses shall not exceed 35 feet, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Article 10-3D, or unless approved by ~~Planning & Community Development~~ the City.

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§10-3C-2 Landscape Conservation

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~~ Zoning Administrator. The ~~Director~~ Zoning Administrator shall prepare a notice or letter of decision within 15 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

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§10-3C-3 New Landscaping

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, drive, 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 a minimum of one (1) shade tree and ten (10) shrubs distributed per 25 linear feet of street frontage or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of street frontage.
2. Perimeters Not Adjacent to Public Rights-of-way.
   In addition to F-1 above, the remaining perimeter of any parking areas, drives, or other vehicular areas shall be surrounded by a continuous five (5') foot landscape border minimum. Such landscape border shall be required between any paved area and any property line, yard, or required yard. The landscape border may be interrupted for ingress and egress to structures and adjoining lots. 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) shade tree or one (1) ornamental tree and ten shrubs distributed per 25 linear feet of perimeter or 1 evergreen tree and 5 shrubs distributed per 25 linear feet of perimeter, unless existing landscaping on abutting properties prohibits planting to the required quantities, as determined by the ~~Director~~Zoning Administrator or designee. If approved by the City, landscape berms may be utilized in place of the shrub requirements. In accordance

with City Development Code Section 10-1B-8, Alternative Methods of Compliance, the City may approve alternatives to the landscaping requirements for perimeters not adjacent to public rights-of-way for individual properties within the I (Light Industrial) and C-2 (Freeway Commercial) Zones, if the consistency and other standards of Section 10-1B-8 are met.

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§10-3D-3 Vehicle Parking Standards

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 I (Light Industrial) 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~~ Zoning Administrator 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 in 10- 3C-3 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~~ Zoning Administrator may approve variances to the minimum or maximum standards for off-street parking through a Class A Variance.

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§10-3D-5 Loading Space Standards

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 no vehicles are 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~~Zoning Administrator, 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~~Zoning Administrator.

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§10-3E-5 Signs Permitted in All Zones in Connection with Specific Uses

A. The following signs may be permitted in any zone, subject to the limitations as provided herein.

1. Temporary Banners, Flags, Pennants and Searchlights

   a. A temporary banner, flag, or pennant may be permitted for by the ~~Planning and Community Development Director~~ Zoning Administrator for temporary on-premises use not exceeding thirty (30) days in any one year for special events such as grand openings, provided that such display does not have an adverse impact on nearby residences or institutions and banners shall not exceed 75 square feet in size. Except for properties within the Interstate 90 Corridor where 150 square feet shall be the maximum size. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.
   b. A searchlight may be permitted by the ~~Planning and Community Development Director~~ Zoning Administrator for temporary on-premises use only not exceeding three (3) days in any one year for special events such as grand openings, provided that such display does not have an adverse impact on nearby residences or institutions. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

2. Temporary Construction Site Signs - One on premises construction sign that identifies the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the construction of a project, may be approved under the following conditions:
   a. The sign shall be a maximum area of thirty-two (32) square feet and shall not exceed six (6) feet above grade of the lot or parcel on which the sign is located.
   b. The sign shall not include advertisement of any products, during the actual construction period.
   c. The sign shall be removed prior to an occupancy permit being issued.
   d. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

3. Temporary Real Estate Wall Signs - Within all zones, excluding Residential Properties/ Uses, a temporary real estate sign located on a wall or in a window advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:
   a. The sign shall be located on the premises being sold or leased.
   b. The banner or wall sign shall be flush mounted to the building wall surface below the roof eve and oriented to minimize visual exposure to existing residential areas.
   c. The sign shall be non-illuminated.
   d. The sign shall not exceed a maximum ratio of: 1 square foot of signage per 10 square feet of building façade (sign area: building facade) up to a maximum area of 150 square feet.
   e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

f. The sign shall remain only as long as property remains unsold or un-leased for a period not to exceed one (1) year. The ~~Planning and Community Development Director~~ Zoning Administrator may extend the one (1) year time period upon written request by the owners/ developers of the project.

4. Temporary Real Estate Freestanding Signs (Residential Properties / Uses) – A temporary real estate sign advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:
   a. The sign shall be located on the premises being sold or leased.
   b. Only 1 sign per frontage road, per parcel shall be permitted.
   c. The sign shall be non-illuminated.
   d. The sign shall be limited in size to five (5) square feet and limited in height to six (6) feet above grade. A sixteen (16) square foot sign limited in height to six (6) feet above grade is allowed on property of five (5) acres or more, with or without a dwelling on-site.
   e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.
   f. The sign shall remain only as long as property remains unsold or un-leased for a period not to exceed one (1) year. The ~~Planning and Community Development Director~~ Zoning Administrator may extend the one (1) year time period upon written request by the owners/ developers of the project.

5. Temporary Real Estate Freestanding Signs (Commercial & Industrial Properties / Uses) - A temporary real estate sign advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:
   a. The sign shall be located on the premises being sold or leased.
   b. Only 1 sign per frontage road, per parcel shall be permitted.
   c. The sign shall be non-illuminated.
   d. The sign shall be limited in size to sixteen (16) square feet and limited in height to six (6) feet above grade on sites less than one (1) acre. A thirty two (32) square foot sign limited in height to six (6) feet above grade is allowed on property of one (1) acre or more. Within the Interstate 90 Corridor, the sign shall be limited in size to ninety six (96) square feet and limited in height to sixteen (16) feet.
   e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.
   f. The sign shall remain only as long as property remains unsold or un-leased for a period not to exceed one (1) year. The ~~Planning and Community Development Director~~ Zoning Administrator may extend the one (1) year time period upon written request by the owners/ developers of the project.

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§10-3E-7 Sign Standards for Other Zones

D. Large-Scale Retail Establishments

On properties whose principal exposure is from Interstate 90 and the property does not have frontage along another public right-of-way, the allowed 300 aggregate square feet of signage can be used on any wall of the building if the following conditions are met:

1. A freestanding sign is not provided for the building or development along I-90;

2. Only 1 monument sign is provided along the access street for the building or development; and
3. The building / development signage selection is reviewed and approved by the ~~Director of Planning & Community Development~~ Zoning Administrator.

F. Business A-Boards

Businesses are permitted to utilize one (1) A-Board / A-Frame sign on their property if the following conditions are met:

1. Only one (1) A-Board / A-Frame sign will be permitted per business.
2. The A-Board / A-Frame sign shall not exceed three (3) feet in height and six (6) sq. ft. in area. The sign may be double-sided.
3. The A-Board / A-Frame sign shall not be lighted or contain any moving image or text.
4. Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.
5. The A-Board / A-Frame sign must be located on the business parcel, no further than twelve feet from the entrance to the business, unless otherwise permitted by the ~~Director~~Zoning Administrator or designee for unique situations. The sign shall not be placed in a location which is within the clear view triangle or any location which will impede vehicular traffic. Further, the sign shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped. At least three (3) foot clearance width on sidewalks must be maintained. The City may require re-location of the A-Board / A-Frame sign if it is determined that an interference is occurring.

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§10-3F-2 Lighting

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~~ Zoning Administrator 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~~ Zoning Administrator for temporary or periodic events (e.g., fairs, nighttime construction);

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~~ Zoning Administrator for his/her 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~~ Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare.

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§10-3G-2 Transportation Improvements

G. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the ~~Director~~ Zoning Administrator determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
   a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
   b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
   c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be

constructed for stub streets over 150 feet in length and must be paved according to the adjoining street standard.

S. Street Names & Addresses. No street name shall be used which will duplicate or be confused with the names of existing streets in Spokane County, except extensions of existing streets may 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~~ Zoning Administrator for specific situations, including auto-court lanes.

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§10-3G-6 Utilities

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~~ Zoning Administrator /designee.

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§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~~ Zoning Administrator 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

10-4A-2 Concurrency

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~~Zoning Administrator.
    c. The following project actions:
        i. Boundary line adjustments;
        ii. Final Plats/ Final PUD's/ Final Short Plats/ Final Binding Site Plans;
        iii. Temporary
        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.

10-4B-2 Determination of Procedure Type

The ~~P&CD Director~~Zoning Administrator 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~~ Zoning Administrator 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~~Zoning Administrator 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

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)~~ the City 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~~City'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~~ Zoning Administrator 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

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

A. Pre-Application Conferences.

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

1. Cite the comprehensive plan policies and map designations applicable to the proposal;
2. Cite the development code provisions, including substantive and procedural requirements applicable to the proposal;
3. Provide available technical data and assistance which will aid the applicant;
4. Identify other governmental policies and regulations that relate to the application;
5. Reasonably identify other opportunities or constraints concerning the application; and
6. When drawings are provided prior to the pre-application conference, feedback from the design review subcommittee may be provided, if applicable.

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

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

1. Application shall be made on forms provided by ~~P&CD~~ the City 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~~ the City 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~~ the Zoning Administrator 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 Zoning Administrator, 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~~ the Zoning Administrator 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~~the Zoning Administrator provided that:

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

      2. The applicant demonstrates that failure to submit the required additional information was beyond the applicant's control (i.e. waiting for plan revisions from architects or engineers, etc.); and

      3. The applicant has requested the extension prior to the sixty (60) calendar day expiration date.

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

Notice Requirements - Mailings

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

a. Property owners and taxpayers, if different than the property owners, whose property is adjacent to or within a one hundred fifty (150) foot radius of the perimeter of the subject site, whichever is greater, including any access

easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the close of the comment period.

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

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

d. The notification shall consist only of information approved and provided by ~~P&CD~~the City 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~~the City. Completed envelopes shall be given to ~~P&CD~~the City at least eighteen (18) calendar days prior to the close of the comment period.

e. ~~P&CD~~The City 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~~The City 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~~The City 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~~the City 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~~The City 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~~the Zoning Administrator. 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 initial 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, which 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.

<u>Notice Requirements - Mailings</u>

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

a. Property owners and/or taxpayers, if different than the property owners, whose property is within a four hundred (400)-foot radius of the perimeter of the subject site, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.
b. Property owners and/or taxpayers, if different than the property owners, whose property abuts the subject site, shall be notified by certified mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.
c. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then all property owners within four hundred (400) feet of the applicant's total ownership shall be notified by mail at least fourteen (14) calendar days prior to the hearing

before the Hearing Examiner.

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

e. The notification shall consist only of information approved and provided by ~~P&CD~~the City 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~~the City. Completed envelopes shall be given to ~~P&CD~~the City at least eighteen (18) calendar days prior to the scheduled hearing or the hearing will be re-scheduled.

f. ~~P&CDT~~he City 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"

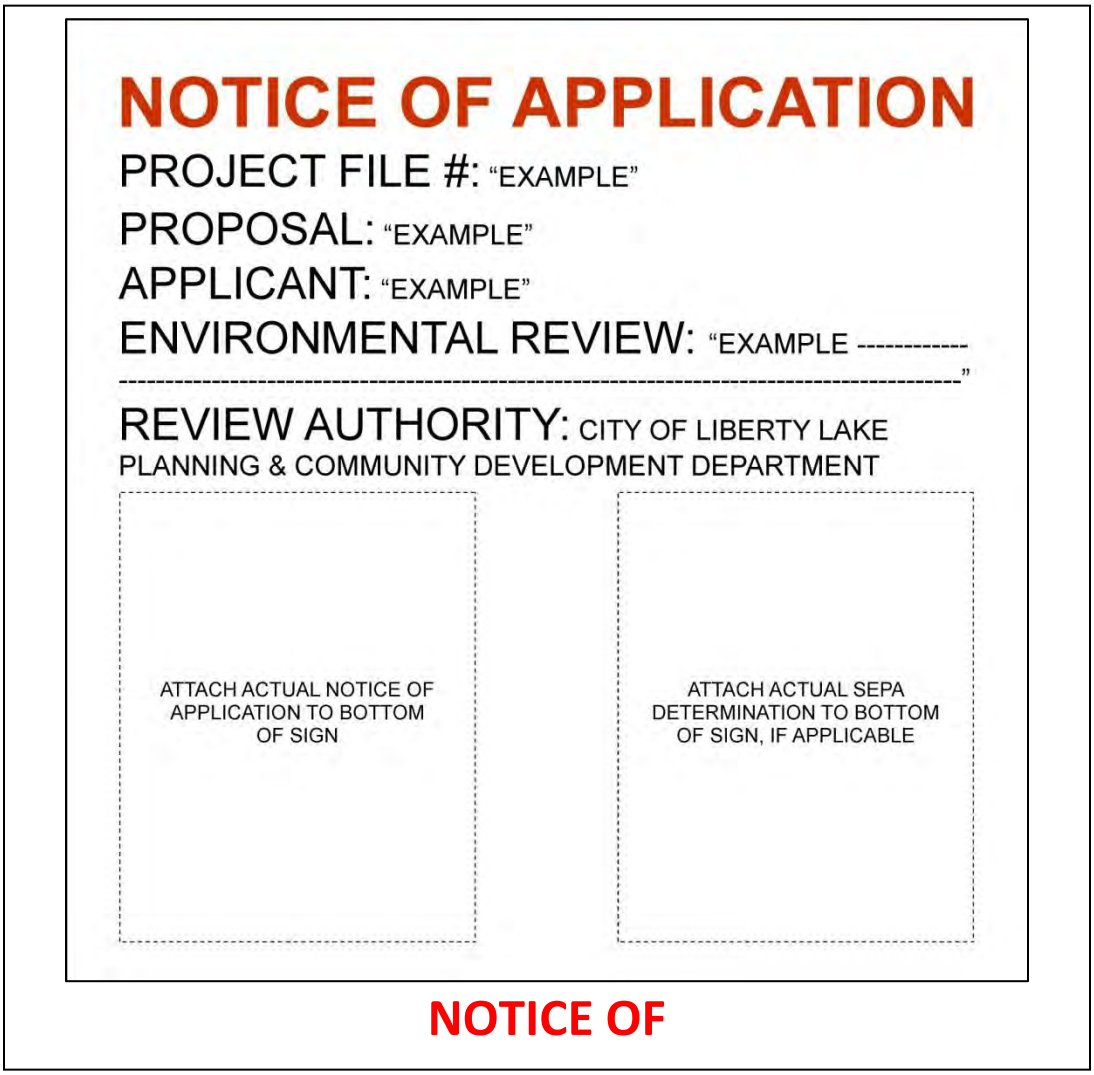
"EXISTING / PROPOSED ZONING"

"SEPA DETERMINATION"

"REVIEW AUTHORITY"

"HEARING DATE & TIME, HEARING LOCATION"

d. Project specific information will be supplied to the applicant by ~~P&CD~~the City 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.



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~~the City 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~~the City 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~~Zoning Administrator 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~~City staff 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~~the City 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~~The City 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~~ the Zoning Administrator 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~~ Zoning Administrator.

10-4B-5 Type IV Projects

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~~ City staff, or

4. By any interested person. In the case of an amendment initiated by an interested person, ~~P&CD~~the City shall collect from such person a fee as set forth in the adopted ~~Planning & Community Development Department~~City 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~~the City 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~~The Zoning Administrator 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~~ City staff; or

4. By the owner(s) of any such property(ies), provided that the ~~Planning & Community Development Department~~ City shall collect from such person a fee as set forth in the adopted ~~Planning & Community Development Department~~ City 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~~the Zoning Administrator 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~~The Zoning Administrator 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~~The Zoning Administrator 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.

10-4D-2 General Requirements

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

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

10-4D-3 Approvals Process

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

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

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

      _____

      Mayor, City of Liberty Lake

   e. City of Liberty Lake Planning, Engineering & Building Services ~~and Community Development~~

      Examined and approved this_____day of_____, 20____.

      _____

      City of Liberty Lake ~~Community Development~~ Director of Planning & Engineering

   f. City of Liberty Lake Engineer

      Examined and approved this_____day of_____, 20____.

      _____

      City of Liberty Lake Engineer

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~~ the City, 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~~Zoning Administrator 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:

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

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~~the City. 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~~the City):
   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. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

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

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

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

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

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

l. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator. 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~~the City):

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 Auditor's office; and

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

3. Proposed landscape plan (1 hard copy 24" x 36" min., 1 electronic version in a format requested by ~~P&CD~~the City):

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~~the City. 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~~the City):

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~~the City.

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~~City 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~~ the Zoning Administrator. 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~~the City):

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

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

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

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

e. The location and elevation of the closest benchmark(s) within or adjacent to the

site (i.e., for surveying purposes);

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

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

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

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

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

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

l. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address

2. Proposed preliminary short plat (1 hard copy 18" x 24" min., 1 electronic version in a format requested by ~~P&CD~~the Zoning Administrator):

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); Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and

n. Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and

o. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator.

3. Proposed landscape plan (1 hard copy 18" x 24" min., 1 electronic version in a format requested by ~~P&CD~~the City):

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~~the City. 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~~the City):

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~~the City.

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~~ City 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-7 Submission and Approval Criteria: Final 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 W of this Code.
3. If required by the ~~Planning & Community Development Director~~ Zoning Administrator, 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~~the City's review and signature.
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).

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

B. Approval Criteria. The ~~P&CD Director~~ Zoning Administrator 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~~the City and drafted on map,
   f. Appropriate utility easements and existing structures that will remain on site shall be shown,
   g. Layout and names of adjoining subdivisions, replats, etc. shall be shown with a dashed line within and adjacent to the development boundary,
   h. Plat restrictions required as conditions of preliminary plat or short plat approval shall be shown,
   i. All special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown,
   j. A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements indicated on final plat or short plat,
   k. Signature blocks for the agencies and parties listed in Section 10-4D-3,

subsection B above, shall be included on the first page,

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

m. A dedication with content supplied by ~~P&CD~~ Zoning Administrator 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", asapplicable and the drawing shall contain a border size as required by the Spokane County Auditor's office, and

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

3. Public improvements required by the preliminary plat or short plat have been installed and approved by the ~~P&CD Director~~ Zoning Administrator. 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~~ City 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-9 Performance Guarantee

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~~Zoning Administrator.

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

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~~Zoning Administrator 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~~Zoning Administrator prior to filing.

B. Proof of recording. Upon final recording with the County, ~~P&CD~~the City 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.

10-4D-12 Boundary Line Adjustments

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~~Zoning Administrator 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~~the City 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~~Zoning Administrator 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~~ City fee schedule, have been paid.

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

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~~Zoning Administrator 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~~Zoning Administrator 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~~Zoning Administrator, if the ~~Director~~Zoning Administrator 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~~Zoning Administrator 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:

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 of Planning & Engineering

    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~~Zoning Administrator 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~~Zoning Administrator prior to filing.

V. Record of Survey.

A record of survey may be filed subsequent to the recording of a final binding site plan to establish lots within the boundaries of the final binding site plan, consistent with the Preliminary Binding Site Plan approval, conditions, and expiration provisions. The record of survey should be reviewed and approved, usually within 45 days, by the ~~Director~~Zoning Administrator 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 of Planning & Engineering;
    b. Property owner.
13. Illustrate any existing buildings located on the lot which is being created.
14. Provide an amendment history chart.

10-4E-5 Code Provision Modifications

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~~Zoning Administrator /designee.

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~~ the Zoning Administrator:

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~~Zoning Administrator to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

10-4E-8 Preliminary PUD Approval Criteria

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~~Zoning Administrator/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. Requirements for Common Open Space. Where common open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
2. The open space shall be conveyed in accordance with one of the following methods:
   a. By dedication to the City as publicly-owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the ~~P&CD Director~~ Zoning Administrator 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;

10-4F-3 Major Modifications

A. Major Modification Defined. The ~~Director~~Zoning Administrator 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~~Zoning Administrator'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~~Zoning Administrator 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~~Zoning Administrator 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~~Zoning Administrator 's decision will be issued in writing and will include a summary of the ~~Director~~Zoning Administrator's finding as to each criteria.

10-4G-1 Purpose

A. Purpose. In order to ensure the uniform application of this Code, the ~~Director~~Zoning Administrator 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~~Zoning Administrator 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~~ City Fee Schedule.

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

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

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

E. ~~Director~~Zoning Administrator 's Decision. The ~~P&CD Director~~Zoning Administrator'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~~Zoning Administrator's interpretation, and any other necessary information reasonably related to the proposal. Unless otherwise provided herein, the ~~P&CD Director~~Zoning Administrator 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~~Zoning Administrator.

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 Director~~Zoning Administrator 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~~Zoning Administrator to the Hearing Examiner within fourteen (14) calendar days from the date the ~~P&CD Director~~Zoning Administrator's decision is rendered. A notice of appeal shall be delivered to ~~P&CD Director~~Zoning Administrator 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~~City Fee

Schedule.

Development Code §10-4I-1 – Temporary Use Permits

Temporary uses are characterized by non-permanent nature of the facilities/site improvements, and/or the short term or seasonal nature of the use. 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~~Zoning Administrator. Using the Exempt project procedure under Article 10-4B, the ~~Director~~Zoning Administrator /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~~Zoning Administrator / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for

the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:

1. Temporary sales office:

   a. The use will be for no other purpose other than those described above; and

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

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

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

2. Model house:

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

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

   c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase in which the model house is located is less than 80% sold- out in which case, the ~~Director~~Zoning Administrator 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~~Zoning Administrator / 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~~Zoning Administrator. 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. May be permitted on private property or adjacent parking in the public right-of-way, 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. May be permitted on private property or adjacent parking in the public right-of-way when explicitly allowed within the zoning district of the proposed location, and subject to the standards of that zoning district.

   e. Mobile food service establishments associated with a special event 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~~Zoning Administrator / Designee;
   f. Temporary use permits for mobile food service establishments that are explicitly allowed within the zoning district shall remain in effect for a period of one year.

When the permit expires, the applicant shall be require to renew the temporary use permit, or remove the mobile food service establishment.

g. 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;

h. The mobile food service establishment shall contain at least one functional fire extinguisher;

i. 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;

j. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; or, if located in adjacent parking in public right-of-way, proof of permission from the adjacent property or business owner;

k. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with; and,

l. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

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.
      2. 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~~Zoning Administrator / 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~~Zoning Administrator / 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.

3. The requirement for individual permits for mobile sales/concessions vendors within a larger special event may be waived, provided the mobile sales/concessions have been addressed in the Seasonal and Special Event permit application and site plan associated with that event, as required in paragraph A of this section.

Development Code §10-4I-2 Home Occupation Permits

H. Home Occupation Permit Approvals: Applicants shall complete and submit an application supplied by ~~P&CD~~the City. The application shall be reviewed and processed by ~~P&CD~~the Zoning Administrator 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~~the Zoning Administrator shall notify the applicant and the applicant shall pay the fee for Home Occupation Permits, as established in the adopted ~~P&CD Department~~ City Fee Schedule and receive a copy of the approved permit.

I. Enforcement: The ~~Director~~Zoning Administrator 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~~the Zoning Administrator 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~~Zoning Administrator /designee.

Development Code §10-4I-3 Special Use Permits

B. Application Submittal and Contents.

1. The application for a special use permit shall be submitted to ~~P&CD~~ the City on forms provided by ~~P&CD~~ the City, along with the appropriate fees established in the ~~P&CD Department~~ Planning Fee Schedule.

2. The ~~P&CD Director~~Zoning Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.

H. Extension of Time. The ~~Director~~Zoning Administrator 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.

Development Code §10-4J-5 Record of Amendments

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

CHAPTER 5: EXCEPTIONS TO THE CODE

Development Code §10-5B-2 Class A Variances

A. Class A Variances. The following variances are reviewed using an Exempt Project procedure, as governed by Article 10-4B, using the approval criteria in Subsection B, below:

1. Front yard setbacks - up to a 10 percent change to the front yard setback standard in the zoning district.
2. Interior setbacks - up to a 10 percent reduction of the dimensional standards for the side

and rear yard setbacks required in the zoning district.

3. Lot coverage - up to 10 percent increase of the maximum lot coverage required in the zoning district.

4. Landscape area - up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).

5. Variance to minimum housing density standard (Chapter 2) - The ~~Director~~Zoning Administrator may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, critical areas (Chapter 6), unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.

6. Variance to Vehicular Access and Circulation Standards (Article 10-3B) - Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the ~~Director~~Zoning Administrator may grant a variance to the access requirements after finding the following:
    a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
    b. There are no other alternative access points on the street in question or from another street;
    c. The access separation requirements cannot be met;
    d. The request is the minimum adjustment required to provide adequate access;
    e. The approved access or access approved with conditions will result in a safe access; and
    f. The visual clearance requirements will be met.

7. Variances to Street Tree Requirements (Article 10-3C) - The ~~Director~~Zoning Administrator may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Article 10-3C, after finding the following:
    a. Installation of the tree would interfere with existing utility lines;
    b. The tree would cause visual clearance problems; or
    c. There is not adequate space in which to plant a street tree; and
    d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).

8. Variance to Parking Standards (Article 10-3D) - The ~~Director~~Zoning Administrator may approve variances to the minimum or maximum standards for off-street parking in Article 10-3D upon finding the following:
    a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
    b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
    c. All other parking design and building orientation standards are met, in conformance

with the standards in Chapter 2 and Chapter 3.

d. The City may approve a reduction of required bicycle parking per Section 10- 3D-4, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

9. Variances to transportation improvement requirements (Article 10-3G).The ~~Director~~Zoning Administrator may approve, approve with conditions, or deny a variance to the transportation improvement standards of Article 10-3G, based on the following:

   a. Required improvements are not feasible due to topographic constraints or constraints posed by critical areas.

Development Code §10-5C-2 Non-Conforming Development

Previously built structures (including signs) that do not conform to the current codes may remain, provided that the structure was originally constructed and remains in conformity with the then existing codes, subject to the following provisions:

A. Nonconforming structures may not be altered in such a manner that would increase their nonconformity under the current code; however nonconforming structures may be changed in a manner that satisfies the current Development Code requirements or decreases the nonconformity to those requirements. Where it is determined that implementation of the current code is impractical, the applicability of the code requirements shall be determined by the ~~Planning & Community Development Director~~Zoning Administrator or designee. Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming structure or part thereof shall be permitted subject to the provisions of this section. Additionally, alterations required by law or the order of a public agency in order to meet health and safety regulations shall be permitted;

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent more than 50 percent of its replacement cost, as determined by the building code, it shall be reconstructed only in conformity with the Development Code unless compliance with this Development Code is not practical, as determined by the ~~Planning & Community Development Director~~Zoning Administrator or designee; and

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Development Code §10-5C-3 Non-Conforming Lots

B. Legally created lots that do not conform to the current codes are considered nonconforming lots of record and are legally buildable except as provided below:
   1. To be legally buildable, a lot must be in compliance with the rules and regulations of the health district. Where there is a conflict between the provisions of this section and those rules of the health district, the more restrictive rules shall apply.
   2. A structure on a nonconforming lot of record must meet Development Code requirements for the zone in which the property is located; with the exception of minimum density standards. Where it is determined that implementation of the current code is impractical, the applicability of the code requirements shall be determined by the ~~Planning &Community Development Director~~Zoning Administrator.
   3. A lot line adjustment shall be required prior to issuance of a building permit when a

nonconforming and conforming lot are abutting each other and under common ownership, and a lot line adjustment will result in both legal lots being in conformance with area, building setbacks, critical area regulations, and other applicable Development Code requirements.

4. Where two or more abutting nonconforming lots of record are under common ownership and they are aggregated into one lot. For that single aggregated lot to be subdivided, all lots created shall conform to Development Code requirements.

CHAPTER 6: ENVIRONMENT

Development Code §10-6A-3 Categorical Exemptions and Threshold Determinations

E. Environmental Checklist.

1. A completed environmental checklist shall be filed prior to or at the same time as an application for a permit, license, certificate, or other approval not exempted in this section; except a checklist is not needed if the City of Liberty Lake and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The checklist shall be in the form provided by the ~~Planning & Community Development Department~~City, which shall be based on the form in section 197-11-960 WAC with questions potentially being added or modified.

Development Code §10-6A-4 Environmental Impact Statement (EIS)

B. Preparation of EIS – Additional Consideration.

6. The private applicant shall compensate the lead agency for its administrative costs incurred with the development, production, and processing of the EIS, in accordance with the adopted ~~Planning & Community Development Department~~City Fee Schedule.

Development Code §10-6A-5 Commenting

C. Designation Of Official To Perform Consulted Agency Responsibilities For the City of Liberty Lake.

1. The ~~director of the department with appropriate expertise~~Zoning Administrator shall be responsible for preparation of written comments for an agency in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

2. The ~~director~~Zoning Administrator shall be responsible for the City of Liberty Lake's compliance with section 197-11-550 WAC whenever such department is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

Development Code §10-6A-7 SEPA and Agency Decisions

C. Appeals.

12. Judicial appeals of procedural and substantive compliance with SEPA must comply with section 43.21C.075 RCW and section 197-11-680(4) WAC.
    a. The City of Liberty Lake shall give official notice under section 197-11-680(5) WAC of the date and place for commencing a judicial appeal if there is a time limit established by statute or such agency's regulations for commencing a judicial appeal of the underlying governmental action.
    b. Pursuant to section 43.21C.080 RCW, notice of any action taken by the City of Liberty Lake may be publicized by such agency or the applicant for, or the proponent of, such action. The form of the notice shall substantially conform to the forms provided by the ~~Planning & Community Development Department~~City.

Development Code §10-6A-10 Agency Compliance

C. Fees. The City of Liberty Lake exercises the option presented in section 197-11-914 WAC to recover all or a substantial portion of the costs of SEPA compliance as regards a private proposal as established in the adopted ~~P&CD~~City Fee Schedule.

Development Code §10-6A-12 Forms

A. Adoption by reference. The City of Liberty Lake adopts the following forms for use in carrying out the local SEPA procedures. These forms may be amended administratively provided there is concurrency between the City of Liberty Lake, Spokane County, Spokane Regional Health District and Spokane County Air Pollution Control Authority.

1. Liberty Lake Environmental Checklist
2. Liberty Lake Adoption Notice
3. Liberty Lake Determination of Nonsignificance (DNS/ Optional DNS)
4. Liberty Lake Mitigated Determination of Nonsignificance (MDNS)
5. Liberty Lake Determination of Significance and Scoping Notice (DS)
6. Liberty Lake Notice of Assumption of Lead Agency Status
7. Liberty Lake Notice of Action
8. Liberty Lake Notice of Availability

The above referenced forms are available through the City of Liberty Lake ~~Planning and Community Development Department~~.

D. Uses and Activities Within Wetlands, Fish and Wildlife Habitats, and Geo-Hazard Areas. (*some uses may not be permitted by the underlying zone, see Chapter 2 of this Code*)

USES AND ACTIVITIES	Wetlands & Buffers	Habitats	Geo-Hazard Areas
Agriculture Building	N	L	L
Agriculture Ditch Maintenance	L	P	P
Agriculture--Existing, On-going	L	P	P
Aquatic Vegetation Management	L	P	NA
Building Construction, Institutional, Commercial, Industrial, Recreational	N	L	L
Conservation Activities	P	P	P
Diseased Vegetation Removal, Vegetation Removal Within 30N of Existing Structure	L	P	P
Dredging	N	L	NA
Excavation, Filling, Grading (less than 30 cubic yards)	N	L	L
Excavation, Filling, Grading (greater than 30 cubic yards)	N	L	L
Floating Docks, Boat Mooring, Buoys	L [1]	P	P
Golf Course	L [1]	L	L
Harvesting of Wild Crops	P	P	P
Lines Utility Transmission	L [1]	L	L
Noxious Weed Control	P	P	P
Open Space, Natural Area	P	P	P
Parks, Camps	L [1]	L	L
Passive Recreation, Scientific Research	P	P	P
Pedestrian/Bike Trail	L 1	L	P
Radio/TV Towers	N	L	L
Road Repair and Maintenance	L	P	P
Single Family Private Access Street/Driveway	N	L	L
Single Family Residence and Accessory Structures and Decks	N	L	L
Street, Expansion of Existing Corridor Street or Bridge	N	L	L
Street, New Public or Private, Serving more than 1 Residence	N	L	L
Stormwater Detention/Disposal Facility	N	L	L

Utility Facility	N	L	L
Utilities Repair Maintenance	L	P	P
Vegetation Removal, Forest Practice Class I	L	L	P
Vegetation Removal, Forest Practice Class II, III	SP	SP	SP
Vegetation Removal, Forest Practice Class IV	L	L	L
Vegetation Removal, nonforest practice	L	L	P
Water Well Pump House, Wildlife Blind, Nesting Structure	L	P	P

Uses and activities listed above are defined in Article 10-1C and Chapter 2 of this Code. Some uses listed here may not be permitted within the underlying zone, as defined in Chapter 2.
P = Permitted if the use is permitted in the underlying zone (see Chapter 2). N = Not permitted.
L = Limited Uses. These uses are permitted if they are allowed by the underlying zone and they comply with the standards of this article, as well as the underlying zone (see Chapter 2)
L [1] = New development shall not impact wetlands and permits shall not be conditioned to allow for mitigation
SP = State Permit subject to standards of this article
NA= Not Applicable

Note: Other uses and activities not listed may be allowed by the ~~Director~~ Zoning Administrator subject to the purpose and intent of this article.

G. Wetland, Fish and Wildlife Habitats, Geo-hazard Maps, and Critical Aquifer Recharge Areas.

1. The City ~~Planning & Community Development Department~~ maintains maps of wetlands, fish and wildlife habitats, geo-hazard areas, and critical aquifer recharge areas, as applicable, to provide information to the public and to aid in the administration of this article. The maps are not regulatory in nature.

2. The maps will be used to identify the possible existence of wetlands, fish and wildlife habitats, geo-hazard areas, and critical aquifer recharge areas. The maps in conjunction with site visits and other information will be used as a basis for requiring field investigations such as wetland reports, fish and wildlife management plans, geo- technical studies, and hydrogeologic reports. In the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail.

3. Additions, corrections, and periodic updates to the maps shall be made when new or additional information is available. Omission of a site from the map will not exempt the site from complying with the provisions of this article. When an interpretation is needed as to the existence of a wetland, fish and wildlife habitat, geo-hazard area, and critical aquifer recharge areas, the ~~Director~~ Zoning Administrator shall make such determination according to the criteria and characteristics contained in this article and consultation with an agency or agencies of expertise as deemed appropriate by the ~~Director~~ Zoning Administrator.

H. Appeal of an Administrative Decision. The provisions of this section shall apply to any appeal involving an administrative decision on the requirements of this article. Any person aggrieved by an administrative decision of this article may file an appeal by:

1. Following the appeal procedures of the associated application; or

2. If there is no associated application or appeal process, follow the process in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the ~~P&CD Director~~ Zoning Administrator.

I. Appeal of a Decision by the Hearing Examiner. Appeals of a Hearing Examiner decision shall be provided for by the City of Liberty Lake Hearing Examiner Ordinance and this Code.

Pending completion of all conditions of approval which need to be completed prior to permit issuance, permits can be released prior to the lapse of the appeal period; provided, that the City has no liability for expenses, delays, or inconvenience incurred by the applicant if the project/proposal is overturned or altered upon appeal.

J. Nonconforming Provisions. The provisions of Article 10-5C (Nonconforming Uses) of the Development Code, as amended, shall apply in determining the nonconforming status of a lot, use, building, or structure under the provisions of this article.

K. Enforcement. The provisions of this article shall be enforced by the ~~Planning & Community Development Director~~Zoning Administrator or his or her designee in accordance with the procedures in Article 10-1D of this Code.

Development Code §10-6B-2 Emergency Permits & Reasonable Use Exceptions

A. Emergency Activities - Temporary Emergency Permit.

1. Criteria for Granting a Temporary Emergency Permit. Notwithstanding the provisions of this article or any other laws to the contrary, the ~~Director~~Zoning Administrator may issue a temporary emergency wetlands permit or allow regulated uses or activities in a fish and wildlife habitat conservation area or geologically hazardous area if:
   a. The ~~Director~~Zoning Administrator determines that an imminent threat to public health, safety, or the environment will occur if an emergency permit is not granted; and
   b. The threat or loss may occur before a wetlands permit or fish and wildlife habitat conservation area review can be issued or conditioned under the procedures otherwise required by this article.

2. Conditions of Emergency Permit. Any emergency permit granted shall:
   a. Incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;
   b. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days without re-application; and
   c. Require the restoration of any wetland, fish and wildlife habitat conservation area or geologically hazardous area altered as a result of the emergency activity within ninety days following the emergency repair, or during the growing season after the emergency repair.

B. Reasonable Use Exception.

1. Requirements. If an applicant for a development proposal demonstrates to the satisfaction of the ~~Director~~Zoning Administrator that application of the standards of this article would deny all reasonable use of the property, development as conditioned shall be allowed. The applicant shall pay a fee, as established in the adopted ~~Planning & Community Development~~

~~Department (P&CD)~~City Fee Schedule, which may cover mailing and processing and submit documentation on forms provided by ~~P&CD~~the City demonstrating all of the following to the satisfaction of the ~~Director~~Zoning Administrator:

a. Applications of this article would deny all reasonable use of the property; and
b. There is no reasonable use with less impact on the wetland, fish and wildlife habitat, or geo-hazard area; and
c. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety, or welfare on or off the property; and
d. Any alteration to the wetland, fish and wildlife habitat, or geo-hazard area is the minimum necessary to allow for reasonable use of the property; and
e. The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the undevelopable condition after the effective date this Code.

2. Decision. The ~~Director~~Zoning Administrator shall include findings on each of the evaluation criteria listed above in a written decision. The written decision shall be mailed to the applicant and adjacent property owners, including property owners across public rights-of-way or private easements. The written decision shall include conditions necessary to serve the purposes of the article and shall provide an appeal procedure as contained in Section 10-6B-1, subsections "H" and "I" of this article.

Development Code §10-6B-3 Wetlands

A. Wetland Reports. When a regulated use or activity (refer to Section 10-6B-1, subsection "D") is proposed on a property which is within a wetland or wetland buffer area, a wetland report is required. The applicant or proponent shall, provide a wetland report prepared by a qualified wetland specialist according to the standards found below and using the Wetlands Delineation Manual.

1. Information to be Included in a Wetland Report. A wetland report shall include the following:
   a. Vicinity map;
   b. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service and/or a City of Liberty Lake Wetland Inventory Map) identifying the wetlands on or adjacent to the site;
   c. A site map setting forth all of the following:
      i. Surveyed wetland boundaries based upon a delineation;
      ii. Site boundary property lines and roads;
      iii. Internal property lines, rights-of-way, easements, etc.;
      iv. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
      v. Contours at the smallest readily available intervals, preferably at two- foot intervals;
      vi. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area.
      vii. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.
      viii. ~~P&CD~~The City may require an air photo with overlays displaying the site boundaries and wetland delineation.

d. A report which includes the following:
   i. Location information (legal description, parcel number and address);
   ii. Delineation report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within one hundred fifty feet of the site, but need only delineate those wetland boundaries within the site;
   iii. General site conditions including topography, acreage, and surface areas of all wetlands identified in the City of Liberty Lake wetland atlas and water bodies within one quarter mile of the subject wetland(s);
   iv. Hydrological analysis, including topography, of existing surface and known significant subsurface flows into and out of the subject wetland(s);
   v. Analysis of functional values of existing wetlands, including vegetative, faunal, and hydrologic conditions;
e. A summary of proposed activity and potential impacts to the wetland(s);
f. Recommended wetland category, including rationale for the recommendation;
g. Recommended buffer boundaries, including rationale for boundary locations;
h. Proposed on-site residential density transfer from wetlands and/or buffers to upland areas.
i. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.

2. Modifications to Wetland Reports. The ~~Director~~Zoning Administrator shall have the authority to modify the requirements for the wetland report. The wetland report requirement may be modified for lots in existence prior to the effective date of this Code and for lots, tracts or parcels which are equal or greater than five acres in size. A partial or modified determination of a wetland boundary may be approved if the following is provided:
   a. The owner designates a building envelope(s) on the property which would restrict regulated activities as defined by this article to an area of the property where no significant effect on the wetland is likely;
   b. The building envelope(s) shall be recorded on the property with the Spokane County auditor's office that contain such restrictions to ensure compliancewith this article;
   c. A statement shall be recorded on the property which contains the following language "The property is subject to building envelope restrictions which were placed on the property to protect wetland and wetland buffer areas. An actual wetland determination, wetland boundary determination, wetland rating, and wetlands report as provided for in this article has not been completed and the property owner is subject to the provisions of this article."
   d. The ~~Director~~Zoning Administrator, in modifying the requirement for a wetland report shall consider but not be limited to the following: i) evidence of the wetland location; ii) the proposal and its proximity to the wetland and wetland buffer areas and its probable environmental impacts; and iii) the proposed use or activity is at least two hundred feet from the appropriate wetland boundary.
   e. Where the applicant has provided a delineation of the wetland boundary, ~~P&CD~~the City

shall verify the accuracy of the delineation through consultation with the Washington State Department of Ecology or other agency of expertise as determined by ~~P&CD~~the Zoning Administrator, and may render adjustments to, the boundary delineation.

f. The ~~Director~~Zoning Administrator shall have the authority to use federal or state wetland boundary determinations to meet applicable provisions of this article.

B. Wetlands Rating System. The following rating system, adapted from the State Department of Ecology publication, Washington State Wetlands Rating System for Eastern Washington, as amended, is adopted for the purpose of determining the size of wetland buffers, determining mitigation ratios, and reviewing permits under this article. For the purposes of this section, 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, as amended) contains the descriptions of wetland types.

1. Category 1 Wetlands. Wetlands which meet at least one of the following criteria:
   a. Documented habitat for endangered or threatened fish or animal species or for potentially extirpated plant species recognized by state or federal agencies;
   b. Wetlands which:
      i. Are equal to or greater than five acres in size; and
      ii. Have three or more wetland classes; and
      iii. Have an open water component at least one-half acre in area, or comprising at least ten percent of the total area of the wetland.
   c. High quality, regionally rare wetland communities with irreplaceable ecological functions which may include sphagnum bogs, fens and forested wetlands occurring on organic soils.
   d. Documented wetlands of local significance as adopted according to the process outlined in Section 10-6B-3, subsection B (5).

2. Category 2 Wetlands. Wetlands which meet any of the following criteria, and which are not Category 1 wetlands:
   a. Wetlands containing documented habitat for sensitive plant, fish, or animal species listed by state or federal agencies of jurisdiction.
   b. Wetlands which:
      i. Are equal to or greater than one acre in size; and
      ii. Have forty percent to sixty percent open water in dispersed patches; and
      iii. Have two or more wetland vegetative classes (a vegetative class must be at least one-half acre in size or comprise at least ten percent of the entire wetland).
   c. Riparian wetlands.
   d. Documented wetlands of local significance as adopted according to the process outlined in Section 10-6B-3, subsection B (5).

3. Category 3 Wetlands. Wetlands which are not Categories 1, 2, or 4 wetlands and:
   a. Are vernal wetland systems found in low annual rainfall areas (less than eighteen inches).

4. Category 4 Wetlands. Wetlands which are not Category 1 or Category 2 wetlands and which:
   a. Are equal to or less than one acre in size; and are hydrologically isolated wetlands; and are comprised of one vegetated class and more than ninety percent of the arial cover is any combination of Soft rush (Juncus effusus), Hard hack (Spiraea douglasii) or Cattail (Typha latifolia); or
   b. Are wetlands less than two acres and hydrologically isolated, with one vegetated class

and more than ninety percent of arial cover is any combination of species from the list in Table 7 of Washington State Wetlands Rating System for Eastern Washington.

5. Wetlands of Local Significance - Nomination Procedure. In order to increase the rating of a wetland and adjust buffering requirements accordingly, the following nomination procedure is provided.
   a. To nominate a wetland of local significance an individual or organization must submit written and/or graphic information to ~~P&CD~~the City which demonstrates a need for increased protection based on:
      i. Potential for degradation based on nature or intensity of surrounding land use;
      ii. Uniqueness in area;
      iii. Potential for educational value;
      iv. Benefit to wildlife;
      v. Significance for aquifer recharge;
      vi. Significance for stormwater management and treatment;
      vii. Others.
   b. The submittal shall include a wetlands delineation, values, and functions assessment and rating meeting the standards of this section.
   c. A statement requesting Category I or Category II status for the wetland and any supporting information.
   d. A statement of support for the nomination signed by the owner of the property on which the wetland is located.
   e. Submitted proposals will be reviewed for accuracy and effectiveness by ~~P&CD~~City staff and other agencies or experts deemed appropriate by the ~~Director~~Zoning Administrator.
   f. A public hearing will be scheduled on complete nominations before the appropriate hearing body.

C. Wetland Buffer Areas.

1. Standard Buffer Area Widths. Wetland buffer areas shall be required for all regulated uses and activities adjacent to wetlands. Any wetland created, restored, or enhanced as compensation for wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as determined in the field pursuant to the requirements of Section 10-6B-3, subsection "A". The width of the wetland buffer area shall be determined according to the category assigned to the wetland in accordance with Section 10-6B-3, subsection "B".
   a. Category 1 wetlands, minimum wetland buffer area width is two hundred feet.
   b. Category 2 wetlands, minimum wetland buffer area width is one hundred fifty feet.
   c. Category 3 wetlands, minimum wetland buffer area width is seventy-five feet.
   d. Category 4 wetlands, minimum wetland buffer area width is twenty-five feet.

2. Increased Wetland Buffer Area Width. The City may require increased buffer area widths on a case-by-case basis by the ~~Director~~Zoning Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:
   a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored, or documented

priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

b. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

c. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

3. Reduction of Standard Wetland Buffer Area Width. The department may reduce the standard wetland buffer area width on a case-by-case basis by the ~~Director~~Zoning Administrator where it can be demonstrated that:

a. The adjacent land has a high quality vegetative buffer, has less than fifteen percent slopes, and no direct or indirect, short-term or long-term, adverse impacts to wetlands will result from a regulated activity. ~~P&CD~~The City may require long-term monitoring of the project and subsequent corrective actions if adverse impacts to wetlands are discovered; or

b. The project includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetland functions and values. An enhanced buffer shall not result in greater than a twenty-five percent reduction in the buffer width or be less than twenty-five feet.

D. Wetland Mitigation.

11. Components of Mitigation Plans. All wetland restoration, creation, and/or enhancement projects required pursuant to this article shall follow a mitigation plan which meets City requirements. The ~~Director~~Zoning Administrator must give written approval for a mitigation plan prior to commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan shall contain at least the following components:

a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation; existing wetland acreage; wetland impacts; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; and topographic elevations. If the mitigation site is different from the impacted wetland site, baseline information should also include: the watershed; surface hydrology; existing and proposed adjacent land uses; proposed buffers; and ownership.

b. Environmental Goals and Objectives. A written report shall be provided identifying goals and objectives and describing; site selection criteria; mitigation goals; target evaluation species and resource functions; dates for beginning and completion; and a complete description of the functions and values sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland, or if out-of-kind, the type of wetland to be emulated. The report shall also include an analysis of the likelihood of success of the mitigation project at duplicating the original wetland, and the long-term viability of the project, based on the experiences of comparable projects, if any.

c. Monitoring Program. Specific measurable criteria approved by the ~~Director~~Zoning Administrator, shall be provided for evaluating whether the goals and objectives of the project are being achieved, and for determining when and if remedial action or

contingency measures should be implemented. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. The mitigation plan manager will assure work is completed in accordance with the mitigation plan and, if necessary, the contingency plan. The monitoring program will continue for five years after the completion of the project and be bonded with results of the monitoring data being reported to the ~~Director~~Zoning Administrator.

d. Detailed Construction Plans. Written specifications and descriptions of mitigation techniques shall be provided, as specified by the ~~Director~~Zoning Administrator.

e. Construction Oversight. The construction of the mitigation project will be monitored to insure that the project fulfills its goals.

f. Contingency Plan. The plan must identify potential courses of action that can be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions. Any mitigation plan prepared pursuant to this article shall become part of the wetland permit application.

h. Consultation with Other Agencies. Applicants are encouraged to consult with federal, state, and local agencies having expertise or interest in a mitigation proposal.

E. Protection of Wetlands and Wetland Buffer Areas.

1. Easements, Title Notices, Plat Dedications. Separate tract(s) containing wetland(s) and/or wetland buffer areas may be required to be created. Wetland or wetland buffer areas shall be protected by one or more of the following methods:

   a. A conservation easement or deed restriction prohibiting alteration and requiring protection of native vegetation within a wetland or wetland buffer area may be dedicated to the City of Liberty Lake or other public or non-profit entities (e.g., land trusts) specified by ~~P&CD~~the City;

   b. A title notice shall be recorded on the property or portion of the property containing a wetland or wetland buffer area. The title notice shall provide notice of a wetland delineation, if any exists, or indicate location of wetlands or wetland buffer areas on the property. A required title notice shall prohibit in perpetuity the development, alteration, or disturbance of vegetation within the wetland or wetland buffer area except when in conformance with this article.

EXAMPLE

TITLE NOTICE FOR WETLANDS AND WETLAND BUFFER AREAS

FILED BY:
City of Liberty Lake ~~Planning &~~ or Property Owner
22710 E. Country Vista Drive
Liberty Lake, WA 99019 (509) 755-6700

Assessors Tax Parcel Number: _____

Legal Description: (use existing legal unless a specific lot or easement description is used)

_____
_____
__

NOTICE IS GIVEN TO ALL PARTIES WITH INTEREST IN THE ABOVE DESCRIBED PROPERTY,
Authority:_____
City of Liberty Lake Ordinance

This property contains a (specific critical area) as defined by the City of Liberty Lake Wetlands, Fish and Wildlife Habitat, and Geo-hazard Areas Protection Ordinance. Restrictions on use or alteration of the (specify critical area) exist due to the natural conditions of the property and resulting regulations. The property was the subject of a proposal for a (type of permit). A copy of the application has provided information on the location of the (specify critical area) and restriction on their use. A copy of the plan showing the (specify critical area) and restrictions on their use. A copy of the plan showing the (specify critical area) is attached hereto. Additional information is available for inspection at the City of Liberty Lake ~~Planning & Community Development Department~~, see File No._____. Restricted and allowed use within these areas are provided in the City of Liberty Lake Critical Areas Ordinance.

EXECUTED this_____day of_____, 20_____.

NOTARY

THE TERMS OF THIS NOTICE SHALL RUN WITH THE LAND AND APPLY TO THE APPLICANT, OWNERS, HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST. RELEASE OF THIS TITLE NOTICE CAN ONLY BE ACCOMPLISHED THROUGH THE AUTHORITY OF THE CITY OF LIBERTY LAKE ~~PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT~~ OR ITS SUCCESSOR BY RECORDING OF A "TITLE NOTICE EXTINGUISHMENT" BASED UPON A FINDING THAT SUCH RELEASE SHOULD OCCUR.

BY CITY OF LIBERTY LAKE ~~PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT~~:

Name:_____Title:_____

Signature:_____Date:_____

c. Any land division which requires the recording of a final plat shall provide on the face of such plat the boundary of such wetland and wetland buffer area with a reference to separately recorded conservation easements, title notices, or deed restrictions as appropriate. Subdivisions with tracts of land which are equal to or greater than five acres may provide for building envelopes as provided in Section 10-6B-3, subsection "A".

d. Regardless of the method chosen to protect and preserve the wetland or wetland buffer area, such areas shall be maintained by the land owner, adjacent lot owner(s), home owner's association, the permit applicant oragent, or an appropriate entity as approved by ~~P&CD~~the City.

2. Access Limitations, Signs, Fencing, and Best Management Practices. Access to wetlands and wetland buffer areas will normally be allowed, subject to unique conditions which warrant access limitations:

a. The perimeter of the wetland and wetland buffer areas to be disturbed pursuant to an approved wetland permit or authorization shall be marked in the field, inspected by the review authority prior to the commencement of permitted activities. This temporary marking shall be maintained throughout the duration of the development activity;

b. As a condition of any permit or authorization issued pursuant to this article, the applicant may be required to install permanent signs along the boundary of a wetland or wetland buffer area. In some instances, a tree, hedge row, or other permanent physical location may be used to mark the boundary as approved by the ~~Director~~Zoning Administrator;

The sign shall be made of a treated wood or metal face attached to a treated wood base (monument style), or another material of equal durability. The sign shall be worded as follows or with alternative language approved by the ~~Director~~Zoning Administrator:

> "Wetland or Wetland Buffer Area - Do Not Disturb Natural Area Contact the City of Liberty Lake ~~Planning & Community Development Department~~ Regarding Uses and Restrictions"

c. As a condition of any permit or authorization issued pursuant to this article, the applicant may be required to utilize best management practices as prescribed by the Natural Resource Conservation Service. This may include the installation of a permanent fence around the wetland and wetland buffer area when domestic grazing animals are present or may be introduced within the project.

F. Time Period, Authorized Activity.

1. Authorization to undertake regulated activities within a wetland or wetland buffer area shall normally be valid for the period of the underlying permit.

2. Prior to the granting of an extension to an underlying permit, the review authority may require updated studies and/or additional hearings if, in its judgment, the original intent of the permit is altered or enlarged by the renewal, or if the applicant failed to abide by the terms of the original permit.

G. Bonding or Other Financial Performance Guarantee.

1. The ~~Director~~Zoning Administrator may require the applicant of a development proposal to post a cash performance bond or other security acceptable to ~~P&CD~~City in an amount and with surety and conditions sufficient to fulfill the requirements set forth in the permit or approval;

2. In the event of a breach of any condition of any such bond, the ~~Director~~Zoning Administrator may initiate action in Spokane County Superior Court to execute the bond;

3. The ~~Director~~Zoning Administrator shall release the performance bond upon determining that:
   a. All activities have been completed in compliance with the terms and conditions of the permit or approval and the requirements of this article, and
   b. Posting of a maintenance bond by the applicant, if applicable;

4. The principal or surety cannot be terminated or canceled without written release of the bond or other financial performance guarantee by ~~P&CD~~City

5. The ~~Director~~Zoning Administrator shall release the maintenance bond upon determining that performance standards established for evaluating the effectiveness and success of the structures, improvements and/or mitigation as established in the mitigation plan have been satisfactorily met for the required period.

6. For mitigation projects, the performance standards shall be those contained in the mitigation plan developed and approved during the permit review process, and the maintenance bond applicable to this project shall not be released until the ~~Director~~Zoning Administrator determines that performance standards established for evaluating the effect and success of the project have been met.

7. Performance Bonds or Financial Performance Guarantee. The applicant shall provide demonstration of administrative, supervisory, and technical competence, financial resources, and scientific expertise of sufficient standing to successfully execute the mitigation plan. The applicant will name a mitigation project manager and provide the qualifications of each team member involved in preparing, implementing, and supervising the mitigation plan. This shall include educational background and areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the mitigation project, monitoring program, and any contingency measure shall be posted in the amount of one hundred twenty-five percent of the expected project cost of mitigation, plus a factor to be determined to allow for inflation during the time the project is being monitored. An administration fee for the mitigation project may be assessed to reimburse ~~P&CD~~City for costs incurred during the course of the monitoring program.

Development Code §10-6B-4 Fish & Wildlife Habitat Conservation Areas

C. Performance Standards for Regulated Uses and Activities.

2. Riparian Habitat Performance Standards.

   f. The ~~Director~~Zoning Administrator has the authority to reduce the buffer widths shown above by up to twenty-five percent if:
      i. A riparian buffer area is fenced to prevent damage to vegetation by livestock along its entire length; or
      ii. A riparian buffer area is enhanced using native plants including trees and shrubs according to a plan prepared in consultation with the Spokane County soil conservation district and the Washington State Department of Fish and Wildlife. The

plan shall include numbers and species of plants, a planting schedule and maintenance agreement to insure long term survival.

g. The ~~Director~~Zoning Administrator has the authority to increase the buffer widths shown above by up to twenty-five percent on a case by case basis when a larger buffer is necessary to protect the fish and wildlife using the stream and riparian area. This determination shall be supported by appropriate documentation showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the stream and riparian area as indicated by meeting one or both of the following criteria:
   i. The land adjacent to the water is susceptible to severe erosion and other erosion control measures will not prevent adverse impacts.
   ii. The land adjacent to the water has minimal vegetative cover or slopes greater than thirty percent.

h. The ~~Director~~Zoning Administrator has the authority to modify the standard buffer widths by averaging buffer widths. Averaging of buffer widths shall be allowed only when all of the following are demonstrated:

D. Habitat Management Plans. A habitat management plan shall be prepared for regulated uses or activities (refer to Section 10-6B-1, subsection "D") which are located in a priority habitat or within one-quarter mile of a non-game priority species point location (den or nest site) if it is determined by the ~~Director~~Zoning Administrator that the proposal is likely to have a significant adverse impact on the priority habitat or species. The determination of a need for additional information (habitat management plan) shall be made by the ~~Director~~Zoning Administrator in consultation with the Washington State Department of Fish and Wildlife or other authority as determined by the ~~Director~~Zoning Administrator. The following describes the requirements of a habitat management plan.

This report shall identify how the impacts from the proposed use or activity will be avoided or mitigated through habitat mitigation which meets the purposes of this article. The Management Recommendations for Washington's Priority Species (1991), as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and Wildlife shall be the basis for the report.

The habitat management plan shall be prepared by a qualified biologist shall be approved in writing by the ~~Director~~Zoning Administrator and shall contain but not be limited to the following information:

1. A map(s) prepared at an easily readable scale, showing:
   a. The location of the proposed site;
   b. The relationship of the site to surrounding topographic and built features;
   c. The nature and density of the proposed use or activity;
   d. Proposed building locations and arrangements;
   e. A legend which includes:
      i. A complete and accurate legal description. The description shall include the total acreage of the parcel,
      ii. Title scale and north arrow,
      iii. Date,
      iv. Certification by a qualified biologist;
   f. Existing structures and landscape features including the name and location of all water

bodies;

g. Location of priority habitat types or priority species point locations.

2. A report which contains:

a. A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat.

b. An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats, identified within the priority habitat and species program as defined in this article.

c. A plan which explains how the applicant will avoid, minimize or mitigate a diverse impacts to fish and/or wildlife habitats created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:

i. Establishment of buffer areas;

ii. Preservation of critically important plants and trees;

iii. Limitation of access to habitat area;

iv. Seasonal restriction of construction activities;

v. Clustering of development and preservation of open space;

vi. Signs marking habitats or habitat buffer areas;

vii. Title notice or plat dedication warning statements;

viii. Conservation easements.

d. Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW). If the habitat management plan recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft habitat management plan and their review comments shall be included in the final report.

The Washington State Department of Fish and Wildlife and, if required, the U.S. Fish and Wildlife service shall respond in writing to the ~~Director~~Zoning Administrator with review comments or a request for additional information within fifteen days from the date of issuance of a draft habitat management plan. If review comments or a request for additional information is not received in the prescribed time frame, the state and/or federal review comments on the habitat management plan shall not be required. The ~~Director~~Zoning Administrator shall have the authority to approve habitat management plans or require additional information.

e. Financial Guarantees. The ~~Director~~Zoning Administrator may require the applicant to post a performance bond or other security according to the guidelines contained in Section 10-6B-3, subsection "G" to ensure implementation of the requirements of any mitigation plan approved pursuant to this article.

Development Code §10-6B-5 Geologically Hazardous Areas

E. Regulations. The following regulations shall be used when activities and uses as described in Section 10-6B-1, subsection "D", are located within geo-hazard areas:

1. City of Liberty Lake Municipal Code Title 9 - Building Regulations.

2. City of Liberty Lake Municipal Code Title 10 - Development Code.

3. Applicable Flood Hazard Regulations.

4. If the regulations noted above do not provide adequate mitigation of impacts as determined by the ~~Director~~Zoning Administrator, then a geo-hazard mitigation plan prepared by a

qualified landslide or erosion specialist shall be required.

F. Geo-hazard Mitigation Plan and Geo-hazard Evaluation.

1. Geo-hazard Mitigation Plans. When the ~~Director~~Zoning Administrator determines that the impact of a use or activity located in a geo-hazard area cannot be mitigated through standards identified in Section 10-6B-5, subsection "E" above, a geo-hazard mitigation plan shall be prepared to identify construction standards for the proposal. Geo-hazard mitigation plans shall conform to City guidelines for stormwater management or any subsequent regulation adopted by the City of Liberty Lake providing erosion and landslide protection. A geo-hazard mitigation plan, prepared by a qualified landslide or erosion specialist, shall be prepared for building permits, road construction, utilities, and storm drainage facility installations within a geo-hazard area.

Development Code §10-6B-6 Critical Aquifer Recharge Area

E. Monitoring and Reporting.

1. The ~~Planning & Community Development Department (P&CD)~~Zoning Administrator may require a monitoring program as a condition of approval to document compliance with permit conditions and to determine whether the project contributes to water quality degradation.
2. Monitoring shall be by a qualified individual as determined by ~~P&CD~~the Zoning Administrator, and shall be paid for by the applicant.
3. ~~P&CD~~Staff shall periodically review monitoring programs to determine compliance with conditions of approval in cooperation with the Spokane Regional health district, Spokane aquifer joint board, and other agencies responsible for aquifer protection.
4. For critical material users, the ~~P&CD Director~~Zoning Administrator shall establish a periodic inspection program to determine compliance with permit requirements and the provisions of this article

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Development Code §10-6B-8 Incentives

C. Transfer of Development Rights. If a site contains a regulated wetland, wetland buffer, or buffer area which is required to protect priority habitats or species areas or geologically hazardous areas, a person may transfer residential development rights (TDR) by meeting the following criteria:

1. The TDR must be associated with a complete planned unit development (PUD) residential development application filed with the City for the receiving site(s). The TDR request shall be included in the application.
2. The hearing body shall consider the request for TDR at the public hearing for the land use proposal for the receiving site.
3. To assure that the sending site (wetland, wetland buffer, priority habitat or species areas or geologically hazardous areas) is adequately protected, a restriction shall be placed on the

deed of the pending designated areas. This restriction shall be required regardless of the number of dwelling units for which development rights are transferred. A memorandum of agreement (MOA) between the applicant and ~~P&CD~~the City shall be recorded with the Spokane County auditor. The MOA shall refer to all deed restrictions and restrictions on activities in the designated area.

Article 10-6D — Shoreline Management

Consult with the City of Liberty Lake ~~Planning & Building Services~~ for more information on the City's adopted Shoreline Management Program.

PART 2 - PROPOSED AMENDMENTS TO THE RIVER DISTRICT DEVELOPMENT REGULATIONS TO REPLACE ALL REFERENCES TO "PLANNING & COMMUNITY DEVELOPMENT DIRECTOR" WITH "ZONING ADMINISTRATOR"

CHAPTER 1

§10-1B-5 Pre-Existing Approvals

B. Subsequent development applications. All development proposals received by the ~~Director of Planning and Community Development ("Director")~~ Zoning Administrator 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.

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

A. Building permit. A building permit shall not be issued until the ~~Director~~ Zoning Administrator 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.

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§10-1B-8 Alternative Methods of Compliance.

The ~~Director~~ Zoning Administrator 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~~ Zoning Administrator 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

B. Definitions.

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~~ Zoning Administrator may exercise discretion in determining qualifying relationships.

Home occupation - A 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~~the City. These uses require approval of a Home Occupation Permit as set forth in Section 10-4I-2.

Temporary Use - A use approved for location on a lot for a period not to exceed 90 days 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~~the City. These uses require approval of a Temporary Use Permit as set forth in Section 10-4I-1.

Zoning administrator – The Director of Planning, Engineering & Building Services, or his/her designee.

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§10-1D-3 Penalty.

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~~ Zoning Administrator 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.

E. Citations. The Liberty Lake Police Department, at the request of the ~~Director of Planning & Community Development~~ Zoning Administrator, 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator may order the issuance of a citation to the responsible party.

§10-1D-4 Complaints Regarding Violations.

B. 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")~~the City.

B. File complaint with ~~Director~~ Zoning Administrator. Investigation requests, stating fully the causes and basis thereof, shall be filed with the ~~Director of Planning and Community Development~~ Zoning Administrator. The ~~Director~~ Zoning Administrator 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~~ Zoning Administrator 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.

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§10-1D-7 Notice of Violation

C. 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~~ Zoning Administrator 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~~ Zoning Administrator.

1. The ~~Director~~ Zoning Administrator 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.

D. 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~~ Zoning Administrator has found the person to be in violation of the City of Liberty Lake Development Code, 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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~~ Zoning Administrator 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

B. 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~~the Zoning Administrator 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 Zoning Administrator. 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~~ Zoning Administrator issues an Emergency Order as described below in Section 10-1D-9 of this article.
    c. Waiver. Failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under this Code.

§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~~ Zoning Administrator 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~~ Zoning Administrator 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: RIVER DISTRICT ZONING DISTRICT REGULATIONS

§10-2C-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2C-10 Architectural Guidelines and Special Standards

E. 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
    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~~ Zoning Administrator
2. Prohibited Roofing Materials
    a. Galvanized, corrugated metal roofing not to exceed 25% of total roof area
3. Acceptable Siding Materials
    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~~ Zoning Administrator

4. Prohibited Siding Materials
    a. T-111
    b. Galvanized, corrugated metal roofing 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~~ Zoning Administrator

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§10-2E-3 Limited Uses (L)

C. Requirements for Specific RD-C Limited Uses.

18. Macro 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:

d. 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.
e. 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.
f. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
The applicant shall perform and provide documentation of a visual simulation of the site plan.
d. The applicant shall perform and provide documentation of a visual simulation of the site plan.
k. The applicant shall meet and provide documentation of all requirements of SEPA.
l. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.
m. 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.
n. 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.

o. 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.

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§10-2E-6 Development Setbacks

E. 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 Building Code and 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~~The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

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§10-2E-7 Lot Area, Dimensions, Coverage & Residential Density

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~~the Zoning Administrator.

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§10-2E-8 Building Height

B. 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. The screen shall consist of a parapet wall or similar aesthetically pleasing architectural feature, as determined by the ~~Director~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2E-10 Architectural Guidelines and Special Standards

F. 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 apply to new construction projects in the RD-M Zone:

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~~ Zoning Administrator
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~~ Zoning Administrator
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~~ Zoning Administrator

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§10-2I-3 Limited Uses

C. Requirements for Specific RD-C Limited Uses

3. Large-scale retail establishments

e. Outdoor Display / Sales Areas & Accessory Uses

7. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;
8. 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~~ Zoning Administrator 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;
9. 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;
10. 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;
11. 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
12. Temporary sales / displays, such as Christmas trees, landscape materials, etc. shall be reviewed and approved by the ~~Director of Planning & Community Development~~ Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

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13. Tower, private

d. 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.

e. The tower shall not exceed the maximum height of the underlying zone.

f. The tower must be accessory to a residence on the same site.

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13. Macro 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:

k. 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.

l. 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.

m. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.

n. The applicant shall perform and provide documentation of a visual simulation of the site plan.

o. The applicant shall meet and provide documentation of all requirements of SEPA.

p. The antenna array and supporting electrical and mechanical equipment shall be installed using stealth technology.

q. 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.

r. 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.

s. 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.

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§10-2I-8 Building Height

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~~ Zoning Administrator or designee. Equipment not visible from 5' above the centerline of the adjoining street will not have to meet screen requirements.

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§10-2I-10 Architectural Guidelines and Special Standards

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 apply to new construction projects in the RD-C Zone:

6. Acceptable Roofing Materials
    j. Composition
    k. Composition Flat Roof
    l. Concrete tile
    m. Slate
    n. Cedar Shake
    o. Metal - tile or shake
    p. 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.
    q. Painted corrugated metal
    r. Copper Shake
    s. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

7. Prohibited Roofing Materials
    b. Corrugated metal exceeding 25% of total roof area

8. Acceptable Siding Materials
    i. Brick
    j. Stucco or Dryvit
    k. Cultured or Natural Stone
    l. Concrete Block - split faced, smooth
    m. Concrete Tilt-Up
    n. Wood
    o. Vinyl - tile or shake only
    p. Metal - tile or shake only
    i. Corrugated or standing seam metal (galvanized or painted), no more than 25% of each elevation with this material
    n. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

9. Prohibited Siding Materials
    d. T-111 (may be used when combined with detailing noted below)
    e. Vinyl Lap (may be used when combined with detailing noted below)

10. Detailing
    f. Brick
    g. Stone
    h. Wood or Timber
    i. Board and Batten
    j. Other materials determined acceptable by the ~~Planning & Community Development Director~~ Zoning Administrator

CHAPTER 3: RIVER DISTRICT RIVER DISTRICT DESIGN STANDARDS

§10-3B-2 Vehicular Access & Circulation

L. 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~~ Zoning Administrator 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.

§10-3C-2 Landscape Conservation

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~~ the Zoning Administrator. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zoning district and relocation of the vegetation or replacement with equivalent vegetation with the closest DBH for trees or commercially available nursery size available in the Spokane/ Coeur d'Alene metro region shall be required within the development or if not possible, then relocated or replaced within another area in the City.
2. Protection of Natural Resource / Critical Areas - Natural Resource / Critical Areas shall be protected in conformance with the provisions of Chapter 6.
3. Conservation Easements and Dedications - When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect specific areas, including groves of significant trees or Heritage Trees.

G. 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~~ Zoning Administrator. The ~~Director~~ Zoning Administrator shall prepare a notice or letter of decision within 15 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

§10-3C-3 New Landscaping

E. Interior Parking Area Landscaping.

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~~Zoning Administrator 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

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§10-3D-3 Vehicle Parking Standards

C. 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~~ Zoning Administrator 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~~ Zoning Administrator may approve variances to the minimum or maximum standards for off-street parking through a Class A Variance.

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§10-3D-5 Loading Space Standards

C. 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 no vehicles are 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~~Zoning Administrator, provided the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

D. 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~~Zoning Administrator.

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§10-3F-2 Lighting

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~~ Zoning Administrator 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~~ Zoning Administrator for temporary or periodic events (e.g., fairs, nighttime construction);

I. 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~~ Zoning Administrator for his/her approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

J. Administration. Outdoor lighting plans shall be reviewed by ~~the Planning & Community Development Department~~City staff. Approval of the plan shall be based on conformance with this Section. The ~~Director~~ Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare.

§10-3G-2 Transportation Improvements

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~~Zoning Administrator and shall name "the public," as grantee.

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~~Zoning Administrator for specific situations, including auto-court lanes.

§10-3G-6 Utilities

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~~ Zoning Administrator /designee.

§10-3I-3 General Outdoor Maintenance Requirements

B. Other Endangering Conditions. 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~~ Zoning Administrator to endanger neighboring property, the health or safety of the public, or the occupants of the property.

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§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~~ Zoning Administrator 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: APPLICATION AND REVIEW PROCEDURES

B. Transportation Concurrency and Review.

3. 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~~Zoning Administrator.
   c. The following project actions:
      i. Boundary line adjustments;
      ii. Final Plats/ Final PUD's/ Final Short Plats/ Final Binding Site Plans;
      iii. Temporary

   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.

10-4B-2 Determination of Procedure Type

The ~~P&CD Director~~Zoning Administrator 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~~ Zoning Administrator 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~~Zoning Administrator 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.

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§10-4B-3 Project Procedure Types

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)~~ the City 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~~City and depending on the type and complexity of the project, review time can vary, however, it is ~~P&CD~~City's goal to process projects as quickly as possible. The following projects are exempt from the full project permit review process:

15. Accessory Dwelling Units
16. Administrative Interpretations and Minor Modifications
17. Approach Permits
18. Class A Variance
19. 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.
20. 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.
21. Mechanical & Plumbing Permits
22. Boundary Line Adjustments
23. Home Occupation Permits
24. Public Assembly Permits
25. Right of Way Permits
26. Sign & Temporary Sign Permits
27. Temporary Use Permits
28. Street Vacations (Requires a final City Council approval)

D. 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~~ Zoning Administrator 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

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

A. Pre-Application Conferences.

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

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

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

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

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

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

C. 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~~ the City 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~~ the City per the adopted ~~P&CD~~ fee schedule.

E. 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~~Zoning Administrator 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~~Zoning Administrator, 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~~Zoning Administrator within sixty (60) calendar days from the date ~~P&CD~~Zoning

Administrator 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~~Zoning Administrator provided that:

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

4. 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

5. The applicant has requested the extension prior to the sixty (60) calendar day expiration date.

Additionally, to the extent known, ~~P&CD~~Zoning Administrator 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:

4. A preliminary determination of those development regulations that will be used for project mitigation;

5. A preliminary determination of consistency, as provided under RCW 36.70B.040; or

6. 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:

5. All documents and other evidence changed or added by the applicant shall be submitted to the ~~Director~~Zoning Administrator 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~~Zoning Administrator or his or her designee, and transmitted to the Hearing Examiner, but may be too late to include with the staff report and recommendation;

6. 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;

7. 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;

8. 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:

   c. 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;
   d. 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.

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

Notice Requirements - Mailings

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

f. 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.

g. 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.

h. 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.

i. The notification shall consist only of information approved and provided by ~~P&CD~~the City 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~~the City. Completed envelopes shall be given to ~~P&CD~~the City at least eighteen (18) calendar days prior to the close of the comment period.

j. ~~P&CD~~The City 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:

e. 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.

f. 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.

g. 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.

h. The notification shall consist only of information approved and provided by ~~P&CD~~The City 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~~the City. Completed envelopes shall be given to ~~P&CD~~the City at least eighteen (18) calendar days prior to the close of the comment period.

e. ~~P&CD~~The City 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:

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

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

"NOTICE OF APPLICATION";

g. 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~~the City 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~~The City 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.

G. 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~~the Zoning Administrator. 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.

H. 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 initial 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, which 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:

8. 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.
9. A statement that explains where and when the file may be viewed;
10. Project and applicant information;
11. Project hearing date, time, and location;
12. SEPA determination, mitigation, etc.
13. Review authority and project coordinator; and
14. 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~~ the Zoning Administrator.

e. The notification shall consist only of information approved and provided by ~~P&CD~~the City 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~~the City. Completed envelopes shall be given to ~~P&CD~~the City at least eighteen (18) calendar days prior to the scheduled hearing or the hearing will be re-scheduled.

f. ~~P&CDT~~he City 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:

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

e. The first line(s), in two (2)-inch tall letters, shall read "NOTICE OF PUBLIC HEARING";

f. 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~~the City 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.

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~~the City 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~~the City 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 (15) 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~~Zoning

Administrator 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~~ Zoning Administrator 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:

9. Project and applicant information;

10. Application date, hearing date, and date of decision

11. A statement that the project is either Approved, Approved with Conditions (list the conditions), or Disapproved (list the reason).

12. 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_____**."

13. 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."

14. A statement that "The complete record in this matter, including this decision, is on file during the appeal period with the review authority."

15. 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."

16. 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~~the City 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~~The City 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~~Zoning Administrator 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.

2. 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~~ Zoning Administrator.

Appeals of Type IV projects:

Appeals of Zoning Text or Map Amendments. The action of the City Council on a zoning text or map amendment shall be final and conclusive, unless within thirty (30) calendar days from the

date of the action the applicant or person having standing, as defined in RCW 36.70C, makes application to a court of competent jurisdiction for a writ of certiorari.

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

Table 4-A, Review Process Requirements	Exempt Projects	Type I	Type II	Type III	Type IV
Pre-Application Conference	X[1]	X	X	X	X
Submittal of Application Packet and SEPA Checklist (as applicable)	X	X	X	X	X
Determination of Completeness (DOC)		X	X	X	
Notice of Application (NOA)		X	X	X	
Technical Review		X	X	X	
Notice of Hearing					
Planning Commission Public Hearing					X
Hearing Examiner Public Hearing			X	X	
City Council Public Hearing				X	X
Notice of Decision		X	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.~~Planning, Engineering & Building Services consultation prior to application approval and permit issuance

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10-4B-5 Type IV Projects

C. 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:

5. By the City Council,
6. By the Planning Commission,
7. By the ~~Planning & Community Development Department~~City, or
8. By any interested person. In the case of an amendment initiated by an interested person, ~~P&CD~~the City shall collect from such person a fee as set forth in the adopted

~~Planning & Community Development Department~~the City 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~~the City 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~~The Zoning Administrator 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.

D. 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~~City staff; or
4. By the owner(s) of any such property(ies), provided that the ~~Planning & Community Development Department~~City 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 an 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~~the Zoning Administrator 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~~The Zoning Administrator 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~~The Zoning Administrator 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.

10-4C-3 Site Plan Review and Approval

C. ~~P&CD~~The Zoning Administrator shall make written findings with respect to all of the

following criteria when approving, approving with conditions, or denying an application:

10-4D-2 General Requirements

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

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

10-4D-3 Approvals Process

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

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

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

      _____
      Mayor, City of Liberty Lake

   e. City of Liberty Lake Planning ~~and Community Development~~, Engineering & Building Services

      Examined and approved this_____day of_____, 20_____.

      _____
      City of Liberty Lake ~~Community Development~~ Director of Planning & Engineering

   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~~ the City, 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~~, Engineering & Building Services

      Examined and approved this_____day of_____, 20____.

      _____

      City of Liberty Lake ~~Community Development~~ Director of Planning & Engineering
   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 plat shall be filed for record with the Spokane County Auditor. One reproducible copy shall be retained by ~~P&CD~~ the City, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

E. 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.

F. 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~~Zoning Administrator 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:

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

B. 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~~the City. 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~~the City):
   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. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   i. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
   j. 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.);
   k. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;
   m. Designated historic and cultural resources on the site and adjacent parcels or lots;
   n. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10- 3C;
   o. North arrow, scale, name and address of owner and project designer; and
   p. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed preliminary plat / PUD plat map (1 hard copy 24" x 36" min., 1 electronic version in a format requested by ~~P&CD~~the City):
   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;

m. 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;

n. 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.

o. Existing structures that will remain on site;

p. 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;

q. Subject site survey data;

r. 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);

s. Identification of the drawing as a “preliminary plat” and the drawing shall contain a

border size as required by the Spokane County Auditor's office; and

t. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator.

7. Proposed landscape plan (1 hard copy 24" x 36" min., 1 electronic version in a format requested by ~~P&CD~~the City):
   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~~the City. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.
8. 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~~the City.
9. Lighting plan in conformance with Section 10-3F-2.
10. 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;
   i. Location by section, township, and range;
   j. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.)
   k. Assessor parcel number(s) of project site;
   l. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant;
   m. Street address of proposal;
   i. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage;
   t. School district and fire district
   u. Name of public road(s) providing access to the subject site;
   v. Width of property fronting on public road;
   w. 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.);

x. 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);

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

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

aa. Potential impacts on adjacent properties and proposed mitigation;

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

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

8. 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;

g. Phasing plan, if applicable;

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

i. 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.

C. 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~~Zoning Administrator. 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~~the City):
   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;
   m. Designated historic and cultural resources on the site and adjacent parcels or lots;
   n. The location, size, and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10- 3C;
   o. North arrow, scale, name, and address of owner and project designer; and
   p. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address

3. Proposed preliminary short plat (1 hard copy 18" x 24" min., 1 electronic version in a format requested by ~~P&CD~~the City):
   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.

p. Existing structures that will remain on site;

q. 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;

r. Subject site survey data;

s. 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); Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and

t. Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and

u. Other information, as deemed appropriate by the ~~P&CD Director~~Zoning Administrator.

7. Proposed landscape plan (1 hard copy 18" x 24" min., 1 electronic version in a format requested by ~~P&CD~~the City):

   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~~rhe Zoning Administrator. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.

8. Proposed structures (1 hard copy 18" x 24" min., 1 electronic version in a format requested by ~~P&CD~~the City):

   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~~the City.

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

10. 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;

   n. School district and fire district

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

p. Width of property fronting on public road;

q. 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.);

r. Data table, as applicable:

1. Existing and proposed zoning,
2. Comprehensive plan category,
3. Existing and proposed uses,
4. Number of lots,

14. Smallest lot size and minimum lot frontage,
15. Gross site area,
16. 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),
17. Gross residential density (see Section 10-4D-2, subsection E above),
18. Net residential density (see Section 10-4D-2, subsection E above),
19. Building setbacks - front, flanking, side, and rear,
20. Public / common landscaped and open space area (acres),
21. Percent of open space,
22. Number of parking spaces required (see Article 10-3D);

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

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

u. Potential impacts on adjacent properties and proposed mitigation;

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

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

8. 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~~the City 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-7 Submission and Approval Criteria: Final and Short Plat

B. 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.

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.

6. 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 W of this Code.
7. If required by the ~~Planning & Community Development Director~~ Zoning Administrator, 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.
8. The sewer and water plan mylar shall be submitted for ~~P&CD~~City review and signature.
9. 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).

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

C. Approval Criteria. The ~~P&CD Director~~ Zoning Administrator 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~~the City 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,

p. 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,

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

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

s. A dedication with content supplied by ~~P&CD~~ Zoning Administrator 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;

t. 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 Auditor's office, and

u. Other information, as deemed appropriate by the ~~P&CD Director~~ Zoning Administrator;

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

16. 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;

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

18. 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;

19. 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);

20. 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;

21. 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;

22. 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;

23. 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;

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

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

26. 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-9 Performance Guarantee

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~~Zoning Administrator.

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

10-4D-10 Filing and Recording

C. 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~~Zoning Administrator 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~~Zoning Administrator prior to filing.

D. Proof of recording. Upon final recording with the County, ~~P&CD~~the City 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.

10-4D-12 Boundary Line Adjustments

D. 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~~Zoning Administrator 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~~the City and then must be returned by the applicant to the Spokane County Assessor for processing.

E. 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.

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

7. No additional parcel or lot may be created by the boundary line adjustment, however the number of lots or parcels may be reduced;
8. Lot standards. All lots and parcels comply with the applicable lot standards of the zoning district (Chapter 2) including lot area and dimensions;
9. Access. All lots and parcels comply with the standards or requirements of Article 10- 3B – Access and Circulation;
10. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the zoning district (Chapter 2);
11. 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
12. All required fees, per the adopted ~~P&CD~~the City fee schedule, have been paid.

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

J. 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~~Zoning Administrator shall issue a written decision approving or denying the application with written findings of fact.

K. 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).

L. Public use and interest.

The ~~Director~~Zoning Administrator 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.

M. Conformity with applicable land use controls.

Binding site plans can be approved by the ~~Director~~Zoning Administrator, if the ~~Director~~Zoning Administrator 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.

N. 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~~Zoning Administrator 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:

U. Contents of Final Binding Site Plan.

11. 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.

12. The binding site plan file number; location by section, township and range shall be shown.

13. 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.

14. A distinct wide boundary line shall delineate the boundary of the binding site plan.

15. Any lot(s) being finalized shall be numbered consecutively, and the size of those lots shall be indicated on the final binding site plan.

16. 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.

17. The layout, lot and block numbers, and dimensions of all lots shall be shown.

18. The location and dimensions of any common areas within the final binding site plan, and a description of the purpose thereof.

19. Layout and names of adjoining subdivisions and replats shall be shown with a dashed line within and adjacent to the binding site plan boundary.

20. Street names shall be shown.

19. Street addresses for each lot shall be shown.

20. Restrictions required as conditions of preliminary approval shall be shown.

21. Appropriate utility easements shall be shown, if lots are being created.

22. 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.

23. Any streets not dedicated to the public shall be clearly marked and named per City standards.

24. 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.

25. 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.

26. 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 of Planning & Engineering

    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

W. Filing.

Once the final binding site plan has been reviewed, approved and signed by the City, the ~~Director~~Zoning Administrator 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~~Zoning Administrator prior to filing.

X. Record of Survey.

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

All record of survey submittals shall include the following:

5. One (1) hard copy of the proposed record of survey;

6. One electronic version in a format requested by the City;
7. Record of survey fees;
8. 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.

15. 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.
16. The binding site plan file number shall be referenced.
17. 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.
18. 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.
19. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the record of survey.
20. 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.
21. Street names shall be shown.
22. Street addresses of each lot shall be shown.
23. Restrictions required as conditions of preliminary approval shall be shown.
24. Appropriate utility easements shall be shown.
25. Certification of the licensed professional land surveyor.
26. The following signatures are required on the record of survey:
    a. City of Liberty Lake ~~Community Development~~ Director of Planning & Engineering;

10-4E-5 Code Provision Modifications

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~~Zoning Administrator /designee.

10-4E-7 Preliminary PUD Submission Requirements

B. 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~~ Zoning Administrator:

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~~Zoning Administrator to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

10-4E-8 Preliminary PUD Approval Criteria

F. 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:

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

   f. 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.

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

   h. 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.

10. Superior provision of mixed uses that exceed the basic code requirements.

11. Other ways that further the goals and policies of the Comprehensive Plan and meets the purpose of a PUD, as determined by the ~~Director~~Zoning Administrator/designee.

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

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

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

   a. By dedication to the City as publicly-owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the ~~P&CD Director~~ Zoning Administrator 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;

10-4F-3 Major Modifications

B. Major Modification Defined. The ~~Director~~Zoning Administrator 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;

8. A reduction of more than 5 percent of the area reserved for common open space and/or usable open space;

9. A reduction to specified setback requirements to a degree that the minimum setback standards of the zoning district cannot be met; or

10. 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:

3. Upon receipt of notice of the ~~Director~~Zoning Administrator'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.

4. 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

C. 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.

D. Minor Modification Request. The ~~Director~~Zoning Administrator 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~~Zoning Administrator 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~~Zoning Administrator 's decision will be issued in writing and will include a summary of the ~~Director~~Zoning Administrator's finding as to each criteria.

10-4G-1 Purpose

A. Purpose. In order to ensure the uniform application of this Code, the ~~Director~~Zoning Administrator 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

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

G. 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~~City Fee Schedule.

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

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

I. 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.

J. ~~Director~~Zoning Administrator 's Decision. The ~~P&CD Director~~Zoning Administrator'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~~Zoning Administrator's interpretation, and any other necessary information reasonably related to the proposal. Unless otherwise provided herein, the ~~P&CD Director~~Zoning Administrator 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.

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

J. 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 Director~~Zoning Administrator and made available for public inspection.

K. 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~~Zoning Administrator to the Hearing Examiner within fourteen (14) calendar days from the date the ~~P&CD Director~~Zoning Administrator's decision is rendered. A notice of appeal shall be delivered to ~~P&CD Director~~Zoning Administrator by mail or personal delivery, and must be received by 4:00 p.m. on the last business day of the appeal period, with the required appeal fee. The fee for such appeal shall be as set forth for Appeals of Administrative Interpretations in the adopted Planning ~~& Community Development Department~~ Fee Schedule.

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

    A public hearing for the appeal shall be scheduled before the Hearing Examiner not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to ~~P&CD~~the City.
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

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Development Code §10-4I-1 – Temporary Use Permits

Temporary uses are characterized by non-permanent nature of the facilities/site improvements, and/or the short term or seasonal nature of the use. 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~~Zoning Administrator. Using the Exempt project procedure under Article 10-4B, the ~~Director~~Zoning Administrator /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~~Zoning Administrator / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:

1. Temporary sales office:

    a. The use will be for no other purpose other than those described above; and

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

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

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

2. Model house:

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

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

c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase in which the model house is located is less than 80% sold- out in which case, the ~~Director~~Zoning Administrator 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~~Zoning Administrator / 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~~Zoning Administrator. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

E. Mobiles Sales / Concessions. Using the Exempt project procedure under Article 10-4B, the ~~Director~~Zoning Administrator / 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. May be permitted on private property or adjacent parking in the public right-of-way, 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. May be permitted on private property or adjacent parking in the public right-of-way when explicitly allowed within the zoning district of the proposed location, and subject to the standards of that zoning district.

   e. Mobile food service establishments associated with a special event 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~~Zoning Administrator / Designee;
   f. Temporary use permits for mobile food service establishments that are explicitly allowed within the zoning district shall remain in effect for a period of one year. When the permit expires, the applicant shall be require to renew the temporary use permit, or remove the mobile food service establishment.

   g. 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;

h. The mobile food service establishment shall contain at least one functional fire extinguisher;

i. 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;

j. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; or, if located in adjacent parking in public right-of-way, proof of permission from the adjacent property or business owner;

k. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with; and,

l. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

3. 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.
      2. 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~~Zoning Administrator / designee;
   h. 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;
   i. 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~~Zoning Administrator / Designee;

j. 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;

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

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

4. The requirement for individual permits for mobile sales/concessions vendors within a larger special event may be waived, provided the mobile sales/concessions have been addressed in the Seasonal and Special Event permit application and site plan associated with that event, as required in paragraph A of this section.

Development Code §10-4I-2 Home Occupation Permits

H. Home Occupation Permit Approvals: Applicants shall complete and submit an application supplied by ~~P&CD~~the City. The application shall be reviewed and processed by ~~P&CD~~staff 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~~the City 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~~Zoning Administrator 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~~the Zoning Administrator 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~~Zoning Administrator

/designee.

Development Code §10-4I-3 Special Use Permits

C. Application Submittal and Contents.

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

I. Extension of Time. The ~~Director~~Zoning Administrator 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.

Development Code §10-4J-5 Record of Amendments

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