CHAPTER 1
INTRODUCTION

CONTENTS		Page #
Article 10-1A	How to Use the Development Code	1-2
Article 10-1B	General Administration	1-3
Article 10-1C	Definitions	1-6
Article 10-1D	Enforcement	1-57

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

Welcome to the City of Liberty Lake Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of the City of Liberty Lake. The six chapters of the Code are used together to review land use applications. They are organized as follows:

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

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

Chapter 3 - The design and maintenance standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, signage, storage, public facilities, surface water management, and critical areas. Additional design standards, applicable only to the River District Overlay, are identified specifically within each article of this Chapter. Within the River District Overlay, where Overlay District Design Standards are in conflict with other City Design Standards, the Overlay District Design Standards supersede City Design standards. Additionally, this chapter contains property maintenance standards.

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

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or developments that do not comply with the Code). This Code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the Code.

Chapter 6 – Chapter 6 addresses environmental regulations within the City, include: environmental review standards under the State Environmental Quality Review Act; critical area regulations; wellhead protection; shoreline management regulations; environmental conservation; and flood damage prevention regulations.

Article 10-1B — General Administration

Sections:

10-1B-1 **Severability**

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

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

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

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

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

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

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

10-1B-1 Severability

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

10-1B-2 Compliance and Scope

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

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

C. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

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

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

10-1B-3 Consistency with Plan and Laws

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Liberty Lake as implemented by this Code, and with

applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

10-1B-4 Use of a Development

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

10-1B-5 Pre-Existing Approvals

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

B. Subsequent development applications. All development proposals received by the 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.

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

A. Building permit. A building permit shall not be issued until the 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.

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

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

10-1B-7 Official Action.

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

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

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

10-1B-8 Alternative Methods of Compliance.

The 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 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 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-1 — Definitions

A. General.

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

B. Definitions.

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

A-board/A-frame sign – A self-supporting, portable sign with one or two faces adjoined at the top and displayed at an angle, which is not permanently anchored, and designed for placement near a sidewalk, plaza, or other area used by pedestrians.

Abutting - Contiguous or adjoining, directly next to.

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

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

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

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

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

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

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

Adaptive plants – Species of plants that were originally native to other regions that have become acclimated and established in the local/regional ecosystem without being harmful to existing native plants and wildlife and are able to grow and reproduce without human intervention.

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

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

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

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

"Adult arcade establishment" means: A commercial premises to which a member of the public is invited or admitted and where adult arcade stations, booths, or devices are used to exhibit or display a graphic picture, view, film, videotape, or digital display of specified sexual activity, or live adult entertainment in a booth setting to a member of the public on a regular basis or as a substantial part of the premises activity.

"Live adult entertainment establishment" means: A commercial premises to which a member of the public is invited or admitted and where an entertainer provides live adult entertainment, in a setting which does not include arcade booths or devices, to a member of the public on a regular basis or as a substantial part of the premises activity.

Adult Family Home - A residential home in which a person or persons provide personal care, special care, room, board to more than one, but not more than eight adults who are not related by blood or marriage to the person or persons providing the service.

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

"Adult oriented merchandise" means: Any goods, products, commodities, or other ware, including but not limited to, videos, CD ROMs, DVDs, magazines, books, pamphlets, posters, cards, periodicals, or non-clothing novelties which depict, describe or simulate specified anatomical area or specified sexual activities.

"Specified anatomical areas" means: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed or unclothed, of oneself of one person by another.

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

Aesthetic corridor / boulevard - Aesthetic corridors and boulevards are intended to protect the visual appeal of the area along major transportation routes entering, exiting, and circulating through the City of Liberty Lake. Aesthetic corridors provide special landscape and design

standards for aesthetics along major transportation routes to help maintain a quality image of the City. Boulevards provide for welcoming entry into the City as well as appealing aesthetics throughout the City through street trees, pathways, and landscaped medians.

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

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

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

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

Agricultural product / craft sales stand or farmer's market - The temporary retail sale of agricultural products and nonagricultural products (e.g. crafts, antiques, kitchen goods, etc.), conduction of educational classes, and mobile concessions, as defined, operating as a "Farmer's Market" at a non-permanent fixed location for a period not to exceed 90 days within any one year and with property owner consent and approval of a Temporary Use Permit and compliance with other City and Washington State Health Department regulations.

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

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

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

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

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

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

Alley - A public or private right-of-way not designed for general travel and primarily used as a means of vehicular and pedestrian access to the rear of abutting properties. Alleys are connected to streets at both ends.

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

Alteration of water course - Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

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

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

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

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

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

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

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

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

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

Antenna - An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communication Commission authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation. An antenna is mounted on or in, and is distinct from, a supporting structure, such as a pole, tower, structure, or building. This definition does not apply to broadcast antennae, antennae designed for amateur radio use, or satellite dishes for residential or household purposes.

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

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

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

Area of shallow flooding - Designated as AO, or AH Zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding and is shown with standard base flood elevations.

Area of special flood hazard - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

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

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

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

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

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

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

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

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

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

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

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

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

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

Awning Sign - Lettering or imagery placed on an awning, which is a movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. Decorative awnings without lettering or imagery are not considered signs.

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

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

Base flood - The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). Designated on Flood Insurance Rate Maps by the letters A or V.

Base flood elevation (BFE) - The elevation to which floodwater is anticipated to rise during the base flood.

Basement - The usable portion of a building which is below the main entrance story and is partly or completely below grade. For the purpose of flood plain management, any area of the building having its floor sub-grade (below ground level) on all sides.

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

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

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

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

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

Billboards - Outdoor Advertising signs containing a message, commercial or otherwise, unrelated to any use or activity of the property on which the sign is located.

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

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

Blade Sign - A rigid projecting or suspended sign that is perpendicular to the building (or mounted at a 135° angle when located on building corner), that is mounted below an awning, canopy, or other first floor overhang and/or over the building or store entryway and for which the primary audience is pedestrians.

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

Boat - A small vessel for travel on water.

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

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

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

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

intruding into the aquatic resource.

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

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

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

Building height - The vertical distance measured from the highest grade on the front elevation to the highest roofline on the building.

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

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

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

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

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

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

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

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

Bulletin board - A sign which identifies an institution or organization on the premises on which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

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

Camping units - A structure, shelter, or vehicle designed and intended for temporary occupancy by persons engaged in camping or use of a camping unit for recreation.

Camping units include but are not limited to recreational vehicles, recreational park trailers, travel trailers and campers, camping cabins, tents, tepees, yurts, and other similar shelters. Camping units such as camping cabins, yurts or other structures constructed on site, which are not subject to the Department of Labor and Industry certification, require a building permit from the City of Liberty Lake. Camping units shall not exceed 400 square feet in floor area and not exceed a maximum height of 15 feet.

Canopy Sign - Any sign attached to or constructed in, on or under a canopy, which is a structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.

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

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

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

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

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

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

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

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

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

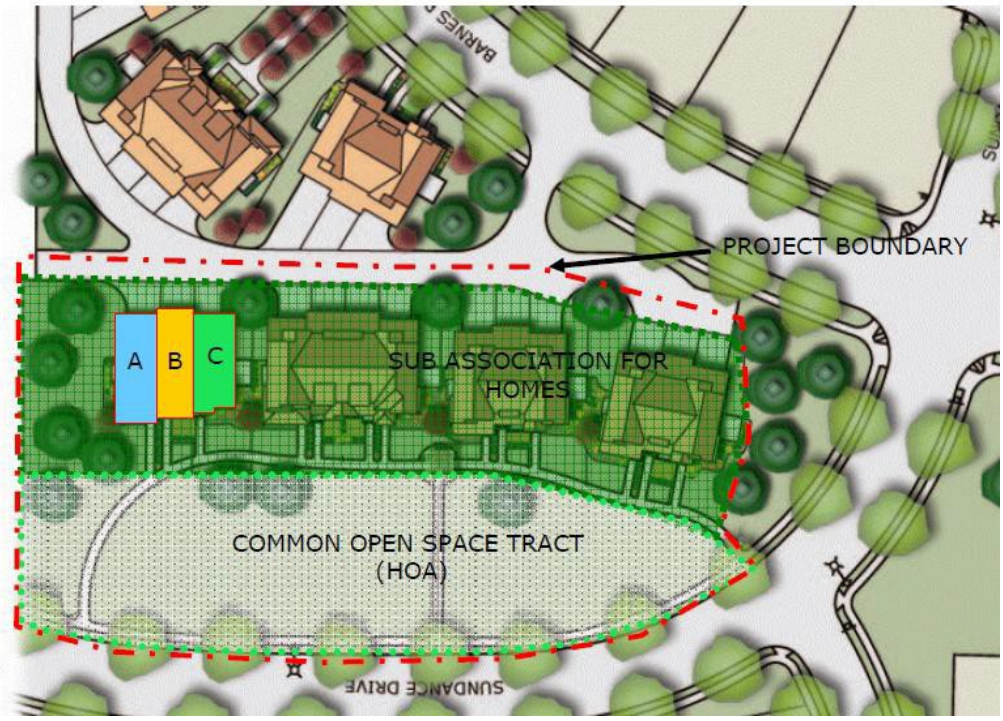
Church - An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school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

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

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

Club - An association of persons for some common purpose, but not including groups organized primarily to render a service that is customarily carried on as a business. (also see Community center / hall)

Clustered housing - a group of attached or detached dwelling units, consisting of permitted uses in the underlying zone, designed in such a manner as to make efficient use of existing or planned facilities and whereby the amount of resultant common open space per dwelling unit is equal to or greater than the open space requirements for conventional development under the pertinent zone and zoning standards.



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

Co-living housing – a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other units in the building. Also commonly referred to as congregate living facilities, single room occupancy, rooming house, boarding house, and lodging house

Code - Development Code of the City of Liberty Lake, Washington.

Collocation - The mounting or installing an antenna facility on a pre-existing structure; and/or, the modifying a structure for the purpose of mounting or installing an antenna facility on that structure; and/or, the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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

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

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

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

Commercial off premise sign - A sign which carries advertisements for a business not located on the premises or parcel where the sign is located, including signs indicating the business transacted, services rendered, goods sold or produced, name of the business and/or name of the person, firm, or corporation.

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

Commercial zoning districts -

C-1 (Community Commercial) - The C-1 zone designates areas for retail, service, and office establishments intended to serve several neighborhoods. Community business areas should be located as business clusters rather than arterial strip commercial development. Residences in conjunction with business and/or multifamily developments may be allowed, with specific guidelines that ensure compatibility.

C-2 (Freeway Commercial) **-** The C-2 zone designates intensive commercial areas intended to draw customers from outlying areas. Uses with Interstate 90 frontage are required to comply with specific design and landscape standards to maintain and enhance the aesthetics of the Interstate 90 frontages. The Freeway Commercial zone allows for shopping centers and major commercial areas of regional significance, and some light industry.

Common area - Land commonly owned to include open space, landscaping, or recreation facilities (e.g., typically owned by homeowner's associations).

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

Community center / hall - A building and related grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit group or a public agency serving the area in which it is located and open to the general public on equal basis. (also see Club)

Community event - A celebration, fair, festival, special event, or other activity held on public or private property which may have a direct significant impact on city services (e.g., streets, parks, emergency services, etc.). This includes harvest or holiday festivals, grand openings, recurring seasonal or special events, annual sporting events and fundraisers, etc. that are recognized and advertised in the community and open to the general public.

Community event sign – Sign that announces or promotes a community event.

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

Concrete product manufacturing - Establishments primarily engaged in manufacturing concrete products, cement manufacturing, Ready-Mix Concrete manufacturing, concrete pipe, brick, and block manufacturing.

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

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

Consensus - Unanimous agreement among participants.

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

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

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

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

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

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

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

Critical facility - A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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

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

Cultural center / museum - An institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural, or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

Cumulative substantial damage - Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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

Dangerous animal keeping - Harboring and/or owning 1 or more inherently dangerous mammals or reptiles.

> Inherently Dangerous Mammal - Any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their nature, may be considered dangerous to humans, and which includes the following.
>
> 1. Canidae, including any member of the dog (canid) family not customarily

domesticated by man, or any hybrids thereof, but not including domestic dogs (Canis Lupus Familiaris) or wolf hybrids which are a cross between a wolf and a domestic dog.

2. Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (Felis catus).
3. Ursidae, including any member of the bear family, or any hybrids thereof.

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

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

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

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

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

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

Deli - A shop selling delicatessen (such as salads or cooked meats).

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

Gross Density - units or lots per acre
Gross Density = Total lots / gross area of the site

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

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

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

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

development to sewer when the public sewer system is extended to the boundary of the development.

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

Dwelling, multi-family - A building designed for occupancy by 3 or more families living independently of each other within 3 or more separate dwelling units.

Dwelling, multi-family (low income) - A multi-family dwelling designed and constructed to primarily serve persons of low income as defined by the United States Department of Housing and Urban Development.

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

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

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

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

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

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

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

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

Electric sign - A sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

Electronically changeable sign (electronic message display) – A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

Elevated building - For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

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

Elevation certificate - The official form (FEMA Form 81-31) used to track development, provide

elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

Emergency Housing – Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless, that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or occupancy agreement.

Emergency Shelter – A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

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

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

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

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

Espresso stand - An auto-oriented, non-portable structure, drive-thru business that dispenses hot and/or cold beverages and may offer snacks, muffins, etc. Espresso stands are required to have public sewer and water hookups, and an ADA accessible bathroom and working area.

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

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

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

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

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

FAA - The Federal Aviation Administration.

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

Facility - When used in the context of small wireless facilities, shall mean a “small wireless facility”.

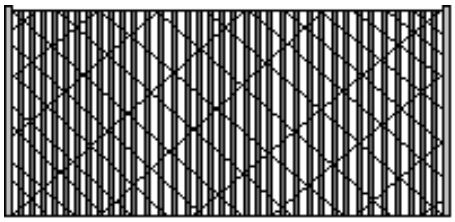
Family child day-care home - A facility within the family living quarters of the provider’s residence to provide care and supervision of not more than 12 minor children for periods of less than 24 hours and that is regulated and licensed by Washington State and constructed, maintained, and operated in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

FCC - The Federal Communications Commission.

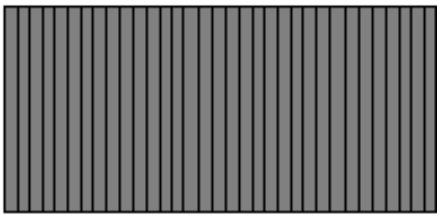
Fence - A wall or a barrier composed of stone, brick or posts connected by lumber, rails, panels, or wire for the purpose of enclosing space marking boundaries, serving as an obstruction or barrier or separating parcels of land.

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

Fencing, fully sight-obscuring - A fence which provides complete visual separation and is used where complete screening is needed.



Partially Sight Obscuring Fence



Fully Sight Obscuring Fence

Fire apparatus lane - As defined by the Fire Code.

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

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

Fish and wildlife habitat conservation areas include:

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

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

Flashing sign - An electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern. (This definition shall not include electronically changeable message signs or signs which simulate motion for mood lighting purposes in which no more than one-third 1/3 of the changing light source is off at any time.)

Flood or **Flooding** –

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters;
    b. The unusual and rapid accumulation of runoff of surface waters from any source; and/or
    c. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation study - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood insurance rate map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

Flood plain or flood-prone area - Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Flood plain management regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities***,*** structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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

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

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

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

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

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

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

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

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

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

Freestanding sign - A sign not attached to or forming part of a building. A Freestanding Sign, as used in Article 10-3E, must have at least 50% of the width of the sign constructed in a monument style (also see Monument Sign).

Frontage - The dimension of a property line abutting a public or private street.

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

Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70.105.010(15) as amended, except for moderate risk waste as set forth in RCW 70.105.10(17) as amended.

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

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

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

Hazardous waste treatment and storage facility, on-site - Treatment and storage facilities that treat and store hazardous wastes generated on the same property. This activity is always an accessory use to a primary activity on the property.

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

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

1. Battery manufacture and reprocessing.
2. Chemical manufacturing
3. Crude petroleum refinery and storage.

4. Manufacture and processing of wood, coal, mineral, or animal by-products.
5. Gas or diesel manufacture or storage.
6. Smelting of ore or large-scale foundry.
7. Stockyards, hog farms, slaughterhouses, and rendering plants.
8. Tanneries.
9. Wood pulp manufacture.
10. Manufacture and storage of explosives or flammables.
11. Mining, rock crushing, asphalt plant.
12. Hazardous waste treatment and storage facilities.

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

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

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

Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hip roof – Roof without gables.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

Hotel - A building or buildings in which there are a total of 6 or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite. (also includes inn)

> Motel - One or more attached or detached buildings providing separate sleeping or living quarters primarily to temporarily accommodate transient individuals or families traveling by motor vehicle, with attached garages or parking spaces conveniently located to each unit and may include kitchen facilities. Also commonly referred to as a tourist court, tourist home, motor lodge, motor inn, and similar designation.

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

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

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

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

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

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

Incidental sign - A small nonelectric information sign four (4) square feet or less in area which pertains to goods, products, services, or facilities which are available on the premises where the sign occurs and intended primarily for the convenience of the public while on the premises.

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

Incinerator - A vessel, device, apparatus, or structure designed to burn solid waste under controlled, nuisance-free conditions, and at a relatively high temperature, for the purpose of

reducing the combustible components to a non-putrescible residue capable of ready disposal.

Increased cost of compliance - A flood insurance claim payment up to $30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage."

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

Industrial zoning district -

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

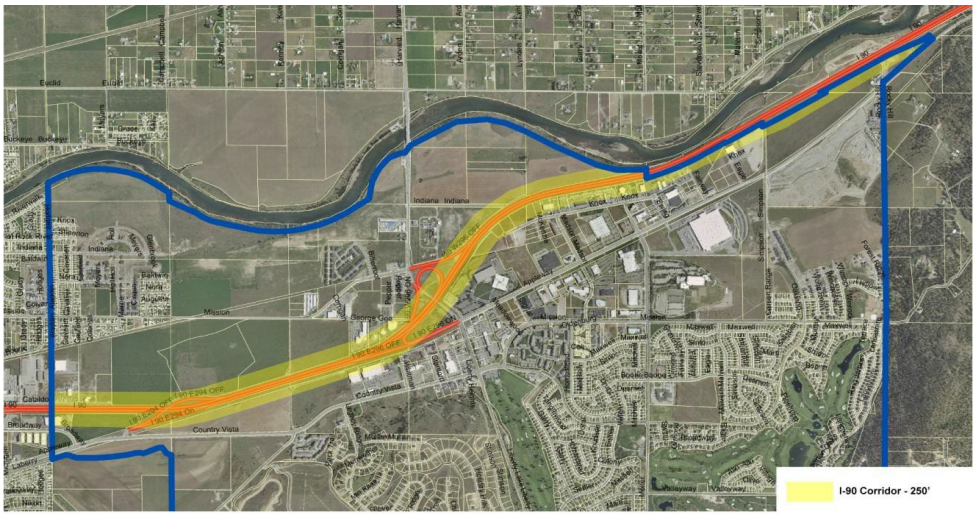
Infestation - The presence within or around a dwelling of insects, rodents, vermin, or other pests to a degree that is harmful to health or property.

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

Inflatable sign – Any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.

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

Interstate 90 Corridor - That portion delineated as being 250 feet beyond either side of the I-90 right-of-way that is between the east and west boundaries of the City (excluding exit and entrance ramps), as shown in map to the right.



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

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

Junked vehicle - Any vehicle certified as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

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

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

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

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

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

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

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

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

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

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

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

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

Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection, and replacement of existing trees.

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

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

environment, or nuisances.

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

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

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

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

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

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

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

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

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

Light manufacturing & assembly - A light industrial use where all processing, fabricating, assembly, or disassembly of items, takes place wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, electronic devices, and small-scale casting and extrusion.

Light pole - A pole designed and primarily used to support lighting for the illumination of streets and sidewalks. The term does not include poles designed and primarily used to support traffic signals.

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

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

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

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

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

Lot - A platted or un-platted parcel of land defined by the Spokane County Assessor as being segregated and/or separated from other parcels of land and being in compliance with state and local platting laws.

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

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

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

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

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

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

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

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

1. In the case of a lot with a rear boundary formed by a single line that is parallel to the lot front line, such rear boundary is the lot rear line.

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

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

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

Lot types -

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

Interior lot - A lot other than a corner lot.

Lot width - The horizontal distance between the lot sidelines measured at right angles to the line comprising the depth of the lot.

Low-income housing - Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the U. S. Department of Housing and Urban Development (HUD).

Low intensity lighting - Lighting not exceeding the equivalent of eight hundred (800) milliamperes* fluorescent tubing space on nine-inch (9) centers, or of exposed neon not exceeding thirty (30) milliamperes. *(approximately equal to a 100-watt bulb)

Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood damage prevention regulations found at §10-6F-3(B)(1)(b), (which specifically addresses adequate flood ventilation openings).

Lumber mill, sawmill, shingle mill, plywood mill - A building or collection of buildings with machinery by which the processes of manufacturing of wood products are carried on.

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

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

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

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

Macro cell - A large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops, and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

Macro wireless communication antenna array - Macro cell telecommunications equipment that consists of one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). The antennae included in macro cell wireless arrays are generally larger than 3 cubic feet. Does not include tower or tower, private. Small wireless facilities are expressly excluded from this definition.

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

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

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

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

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

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

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

1. Includes plumbing, heating, air conditioning, and electrical systems.
2. Is built on a permanent chassis.

3. Can be transported in one or more sections with each section at least 8 feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater.

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

Manufactured home park or subdivision, existing - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Manufactured home park or subdivision, expansion to an existing - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured home park or subdivision, new - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

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

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

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

Marquee Sign - Any sign attached to or constructed in a marquee, which is a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

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

Mean sea level - For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

Mid-block lane - A lane that provides access to lots without frontage on a public street.

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

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., Improvements to a street may be required to mitigate for transportation impacts

resulting from development.") Mitigation includes the following:

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

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

Mixed-use zoning districts -

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

M-2 (Community Center) – The M-2 zone is a higher-intensity mixed-use zone. Community centers contain a mix of commercial, civic, light manufacturing or industrial, office, and recreational uses. Residential is permitted with a minimum net density of 6 units per acre when associated with other permitted uses. Low-intensity, auto-dependent uses are discouraged and a focus on pedestrian orientation with an emphasis on aesthetics and design is encouraged.

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

Mobile home - A factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

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

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

Monument sign - A sign not attached to or forming part of a building constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, mass.

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

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

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

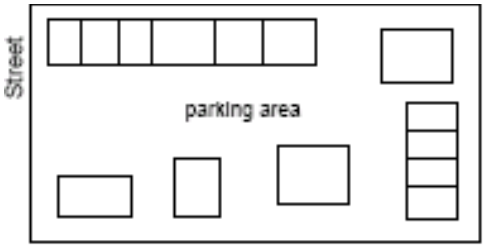


Figure A

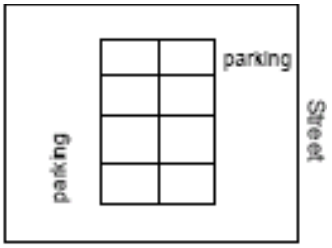


Figure B

Municipal offices / facilities - Structures that house public services. Examples include but are not limited to Ambulance / Emergency Services Facilities, City Hall, Fire Stations, Libraries, and Police Stations (definition does not include schools or other government facilities separately identified on the City Zoning Matrix).

Native plants – Species that have existed in the local/regional ecosystem for hundreds or thousands of years, without human intervention.

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

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

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

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

Neon/exposed neon – An electric sign consisting of gas-filled tubing exposed to view.

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

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

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

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

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

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

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

Office/technology campus or park - A planned industrial, technology and/or office-based district located within the Industrial Zoning District of the city.

Off-Premise sign - A sign not located on the premises or parcel of the use or activity to which the sign pertains.

Off-street parking - All off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Article 10-3D.

On-Premise sign - A sign which carries advertisements incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted at, services rendered, goods sold or produced on the premises, name of the business and/or name of the person, firm,

or corporation occupying the premises.

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

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

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

Open Space and Recreation Zoning District -

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

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

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

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

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

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

Oriented to a street - See Orientation.

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

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

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

Overlay zone - Overlay zones provide regulations that address specific subjects that may be applicable in more than one zoning district. Requirements described in the Code text which exist in conjunction with another zone, and which relate to the official zoning map. Developments within

such an area must conform to the requirements of both zones unless otherwise specified. In the event of inconsistencies, the most restrictive requirements shall control. (also see Specific Area Plan Overlay District)

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

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

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

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

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

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

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

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

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

Participant and spectator sports facilities - Participant sports and recreation use in which the sport or recreation is conducted within an enclosed structure or an outdoor facility. Examples include but are not limited to bowling alleys, roller and ice-skating rinks, dance halls, racquetball courts, videogame parlors, water parks, baseball and football stadiums, racetracks, and arenas. (definition does not include school related facilities which would be accessory to the school)

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

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

Pedestrian walkway – A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot / driving aisle.

Permanent sign - Any sign which is permanently affixed, and which is not designed for or capable of being moved.

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

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

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

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

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

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

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

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

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

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

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

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

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

Pole support – A sign support structure that is narrower than the display surface of the sign.

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

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

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

Portable sign - Any sign which is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their person.

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

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

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

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

Premises - A lot of record not separated by right-of-way and owned or managed by the same individual or entity.

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

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

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

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

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

Private off-premises directional sign - A permanently installed sign that provides directional information to business(es) located within the City of Liberty Lake but not located on the same parcel as the business(es).

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

Project permit / project permit application - See Chapter 4.

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

Public assembly - Places where public or private groups assemble for civic, educational, political, religious, or social purposes including, but not limited to, arenas, religious institutions, lecture halls, theaters, schools, auditoriums, and stadiums.

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

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

Public officer - Federal, state, county, and municipal employees.

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

Public and semi-public institutional zoning district -

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

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

Public transit facility - A bus transfer area or facility located at major points providing passenger access to routes and adjacent activities.

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

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

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

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

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

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

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

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

of Chapter 6.

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

Readerboard - A sign face consisting of tracts to hold readily changeable letters allowing frequent changes of copy.

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

Recreational vehicle (RV) - A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

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

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

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

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

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

Residence - Same as “dwelling”.

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

Residential Zoning Districts -

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

R-2 (Mixed Residential) - The R-2 zone provides for a moderate increase in density using a variety of urban housing types and designs. This design-oriented designation promotes residential renewal to small-lot single family homes, townhouses, duplexes, and small apartment buildings. The mix of housing may take a variety of forms, either mixed within a single site or mixed within a general area, with varied dwelling types. The R-2 zone allows for a net density of no less than 6 units per acre.

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

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

Retail sales / use (General Retail) - Location where products such as clothing, shoes, household goods, toys, office supplies, etc. are displayed and the public is allowed to purchase items. Definition does not include adult entertainment or adult retail use establishments as defined herein.

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

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

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

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

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

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

Roof sign - A sign supported by and erected on and/or above a roof, wall, or parapet of a building or structure.

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

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

Schools; kindergarten, elementary, middle, junior high, and high - Public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the State of Washington.

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

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

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

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

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

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

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

Serviceable - Presently usable.

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, flanking, side, and rear yards.

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

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

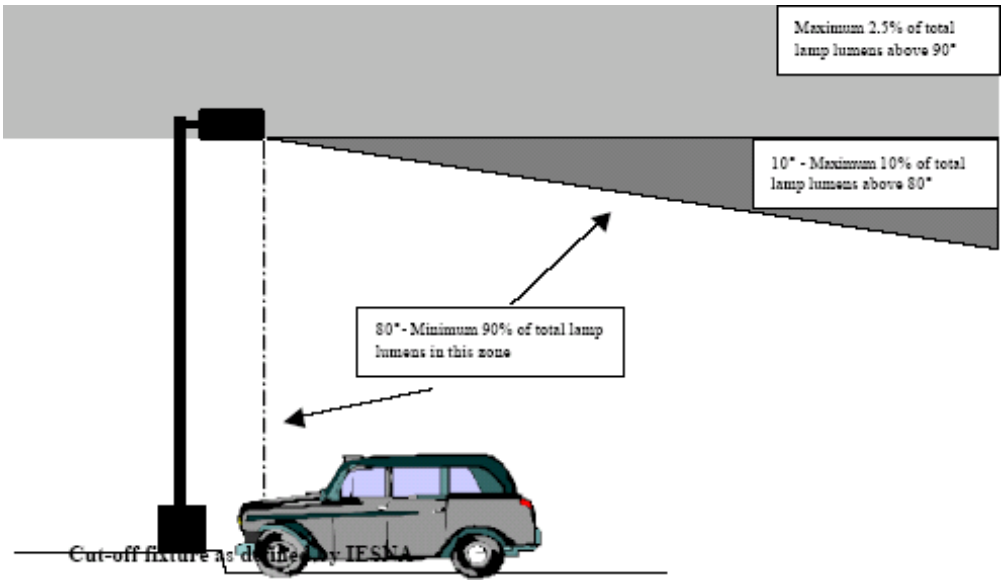
Shall - As used in this Code, is mandatory.

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

Shared parking - See Article 10-3D.

Shielded fixture - Outdoor light fixtures shielded or constructed so that light rays emitted by the

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



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

Sign / signage - Any visual communication device, structure, or fixture which is visible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, or events, or to identify a building using graphics, letters, figures, symbols, trademarks, or written copies. Painted wall designs or patterns, which do not represent a product, service, or registered trademark or which do not identify the user, shall not be considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern, which cannot be distinguished from the sign, will be considered as part of the sign. This definition does not include billboards or video boards.

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

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

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

Small wireless facility - Facilities normally and regularly used in providing wireless communication and data services, including any and all wires, lines, conduits, cables, vaults, duct runs, and all necessary or convenient facilities and appurtenances thereto, whether the same is located over, above or underground, specifically meeting the following conditions:

1. The facilities:
    a. Are mounted on structures fifty (50) feet or less in height including their antennas as defined in herein; or
    b. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or

c. Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10), whichever is greater;

2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined herein), is no more than three (3) cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
4. The facilities do not require antenna structure registration and notice to the Federal Aviation Administration, as required by 47 CFR §17;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR§1.1307(b).

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

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

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

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

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

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

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

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

Spotlight - A lighting assembly designed to direct the output of a contained lamp in a specific

tightly focused direction (a beam) with a reflector located external to the lamp.

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

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

Start of construction – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

Story - That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of a topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under- floor space is more than 6 feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

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

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

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

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

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

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

Street, local access - Street classification per the Spokane County Road Standards.

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

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

Street tree - Any tree planted on land lying between private property lines on either side of any streets, avenues, or ways within the city, in roundabouts or medians within the public right-of-way, or in trees wells located in sidewalks on public right-of-way or in public access easements.

Structure –

1. Any object constructed or erected which requires location on or in the ground or is attached to something having a location on the ground (including towers, smokestacks, overhead transmission lines, captive balloons, etc.) but not including fences, retaining walls, signs or walls used as fences less than 6 feet in height. Excluded from this definition are accessory storage structures for the sole purpose of the owner or occupant less than 120 square feet in area not specifically permitted or prohibited by this Title or written interpretation thereto. Also excluded are docks and piers, but which may still be governed by the City's Shoreline Program. (See also Macro Wireless Communication Antenna Array and Macro Wireless Communication Support Tower.)
2. When used in the context of a small wireless facility, shall mean a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used for or to be used for the provision of wireless service, (either on its own or co-mingles with other services).
3. For the purposes of flood plain management, a “structure” shall be a walled and roofed building, including a gas or liquid storage tank that is principally above the ground.

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

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

Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement – means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term excludes:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

Supportive Housing, Permanent – Subsidized, leased housing with no limits on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with complex and disabling behavioral health or physical health conditions.

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

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

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

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

Temporary banner – A temporary sign constructed of a strip of cloth, paper, plastic, or other material which is supported between poles or fastened to buildings or other structures.

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

Temporary sign – Any non-permanently affixed sign designed or intended to be displayed for

limited periods of time.

Temporary use - Temporary uses are characterized by the non-permanent nature of the facilities/site improvements, and/or the short term or seasonal nature of the use. Temporary uses are subject to standards and criteria as may be required in the zone and require administrative approval from the City for a Temporary Use Permit as set forth in Section 10-4I-1.

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

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

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

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

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

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

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

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

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

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

Transitional Housing – A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living. The housing is short-term, typically less than 24 months. In addition to providing safe housing for those in need, other services are available to help participants move into independent living and permanent housing.

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

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

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

Truck stop - An establishment that is engaged primarily in the fueling, servicing, repair, and/or parking of tractor trailers, trucks, and similar freight vehicles, with ancillary services that may include a restaurant, shower facilities, and/or sleeping quarters.

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

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

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

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

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

Utility pole - A pole located in the right-of-way that is designed and primarily used for the support of electrical power lines, telephone wires, television cables or wireless-only facilities.

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

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

Variance from flood elevation standards - A grant of relief from the requirements of Article 10-6F of this title, to permit construction in a manner that would otherwise be prohibited by that Article.

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

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

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

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

Wall Sign - A non-paper sign attached or erected parallel to and extending not more than fifteen (15) inches from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade.

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

Water dependent - A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water surface elevation - The height, in relation to the vertical datum utilized in applicable flood insurance study of flood of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

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

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

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

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

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

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

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

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

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

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

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

Window Sign - A sign applied to a window or mounted or suspended directly behind a window.

Window trim - Architectural decoration that surrounds a window.

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

Wireless only pole - A pole erected for the sole purpose of supporting a small wireless facility, which may be permitted if the wireless provider has demonstrated that it is technically infeasible to collocate said facility on existing light poles, utility poles or other buildings or structures to provide service in a specifically defined area.

Wireless provider - Any person or entity who provides wireless service or who owns, operates, or manages wireless communications and data facilities.

Wireless services - FCC licensed or authorized wireless services, including personal wireless services as defined in 47 U.S.C. Section 332.

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

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

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

Yards, Types and Measurements -

1. Front Yard - An area extending across the full width of a lot and lying between the lot front line and that portion of a proposed or existing building or structure on the lot closest to the lot front line, or between the lot front line and the required front yard depth in each classification when no building or structure exists or is proposed. The front yard is generally recognized by location of the main entrance to the building and/or orientation to the primary street. "Front yards" shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line. Any lot extending between 2 nonintersecting streets shall be deemed to have front yards on both streets regardless of building orientation.
2. Rear Yard - An area extending across the full width of the lot and lying between the lot rear line and that portion of a proposed or existing building or structure closest to the lot

rear line, or between the lot rear line and the required rear yard depth in each classification when no building or structure exists or is proposed. "Rear yards" shall be measured by a line at right angles to the lot rear line, or by the radial line or radial line extended in the case of a curved lot area line.

3. Side Yard - That area of a lot, unoccupied, which is neither a front yard, a rear yard, nor a flanking street yard.
4. Flanking Street Yard - Unoccupied area of a lot which is conterminous with a flanking street, bounded by the front yard and rear yard and the flanking street yard depth, usually on a corner lot.

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

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

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

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

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

Article 10-1D — Enforcement

Sections:

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

10-1D-2 **Violation of Code Prohibited**

10-1D-3 **Penalty**

10-1D-4 **Complaints Regarding Violations**

10-1D-5 **Inspection and Right of Entry**

10-1D-6 **Abatement of Violations**

10-1D-7 **Notice of Violation**

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

10-1D-9 **Emergency Order**

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

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

B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

10-1D-2 Violation of Code Prohibited

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

10-1D-3 Penalty

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

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

C. Class 1 civil infraction and/or abatement. Any person who violates any provision of this Code shall be found to have committed a class one (1) civil infraction and be assessed a monetary penalty in accordance with Chapter 7.80 of the Revised Code of Washington and Title 1, Chapter 4 of the Liberty Lake Municipal Code which allows for a two hundred fifty (250) dollar fine for each day that the violation occurs, not including statutory assessments. The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service to the responsible party. The City attorney on behalf of the City of Liberty Lake may collect civil penalties and abatement work costs by use of all appropriate legal remedies including a lien(s) against the property as joint and separate personal obligations of any person in violation. If penalties or costs are not paid, the 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 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 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 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 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 City.

B. File complaint with Zoning Administrator. Investigation requests, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The 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 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.

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

B. Unoccupied properties. If such building, structure, property, or portion thereof is unoccupied, the

inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property, or portion thereof and request entry. If the inspector is unable to locate the owner or such other persons, and he or she has reason to believe that conditions therein create an immediate and irreparable land use or safety hazard, he or she shall make entry.

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

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

10-1D-6 Abatement of Violations

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

10-1D-7 Notice of Violation

A. Notice of Violation issuance. Whenever any violation of this Code occurs or any work is being done in violation of the provisions of this Code or a condition of any permit or other approval, the 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 Zoning Administrator.

1. The 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 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 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 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 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 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 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 Zoning Administrator by mail or personal delivery with the required appeal fee as set forth in the 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 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 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.

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

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

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

10-1D-9 Emergency Order

Notwithstanding any other provision of this article, whenever any use or activity in violation of this Code threatens the health and safety of the occupants of the premises or property, any member of the public, or the environment, the 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 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.