CHAPTER 1
INTRODUCTION

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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 development 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.
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> "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.

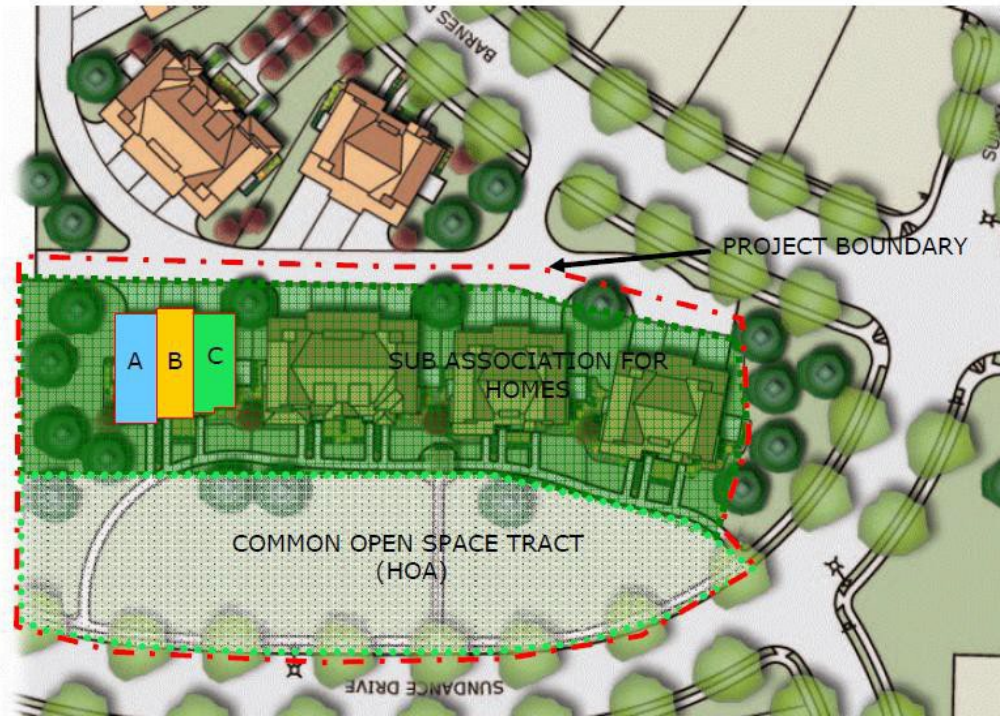
Church - An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school 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.

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 inpatient 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.

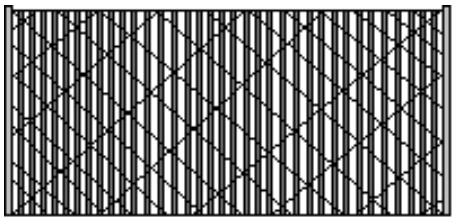
FCC - The Federal Communications Commission.

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

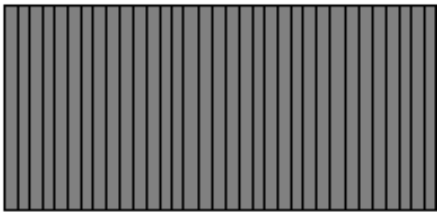
barrier or separating parcels of land.

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 application 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 nonputrescible 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.

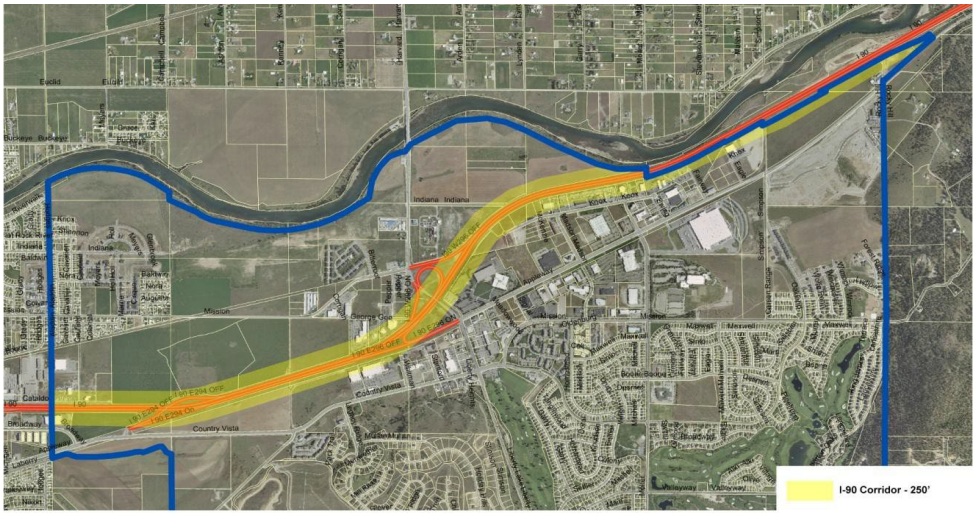
Infestation - The presence within or around a dwelling of insects, rodents, vermin, or other pests to a degree that is harmful to health or property.

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 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, and soil development, 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.

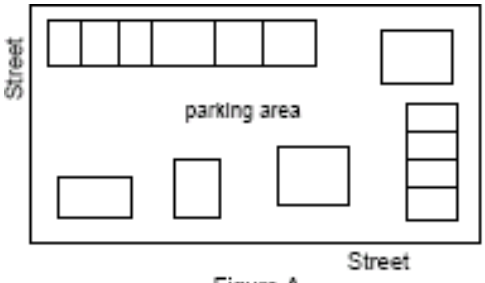


Figure A

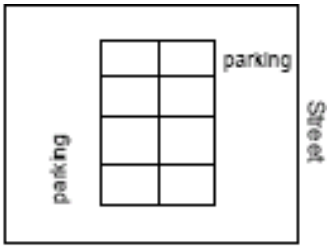


Figure B

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.

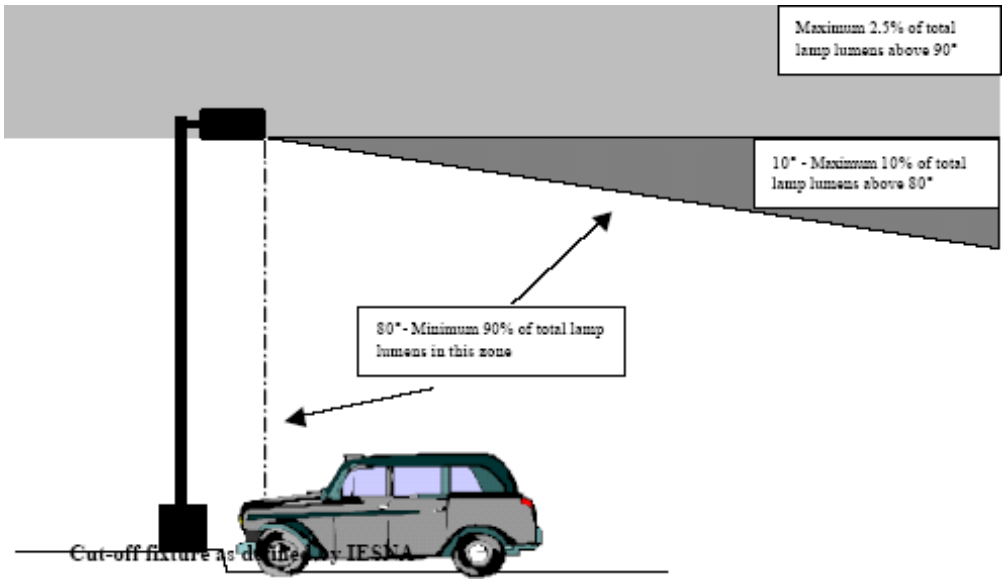
Sewage treatment plant - A facility for receiving and treating sewage from the city sanitary sewer system.

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 wastes, inert waste, agricultural solid waste, sewage sludge, and demolition and construction wastes.

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

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

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

Specific area plan overlay district - Describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan or zone map. The area covered by a specific plan can include multiple parcels and 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.)

Triplex - 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.

CHAPTER 2
ZONING DISTRICTS

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Article 10-2A — Zoning District Administration

Sections:

10-2A-1 **Classification of Zoning Districts**

10-2A-2 **Zoning Districts Map**

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

10-2A-4 **Zoning Districts Matrix**

10-2A-5 **Zoning Districts Map Exhibit**

10-2A-1 Classification of Zoning Districts

All areas within the City limits of the City of Liberty Lake are divided into zoning districts. The use of each lot, parcel, and tract of land is limited to the uses permitted by the applicable zoning district (see matrix in Section 10-2A-4). The applicable zoning district shall be determined based on the Zoning District Map, and the provisions of this Article.

10-2A-2 Zoning Districts Map

A. Consistency with zoning district map. The boundaries of each of the zoning districts contained within this article shall coincide with the zoning district boundaries identified on the City's official zoning map, retained by the City. Said map by this reference is made a part of this Development Code. A certified print of the adopted zoning district map, and any map amendments, shall be maintained by the City.

B. Applicability of zoning requirements. Each lot, tract, and parcel of land or portion thereof within the zoning district boundaries as designated and marked on the zoning map, is classified, zoned, and limited to the uses as hereinafter specified and defined for the applicable district classification.

C. Split Zoning. In the event that a parcel contains more than one zoning district, the City may, at the request of the property owner, make an administrative code interpretation that the zoning designation associated with the largest portion of the parcel, shall apply to the entire parcel.

D. Zoning district map amendments. All amendments to the City zoning district (zoning map) shall be made in accordance with the provisions of Article 10-4J.

1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and
2. The City shall make available for public inspection an up-to-date copy of the revised zoning district map, so that it accurately portrays changes of zone boundaries or classification, as applicable.

10-2A-3 Determination of Zoning District Boundaries

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

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

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

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

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

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

10-2A-4 Zoning Districts Matrix

Comprehensive Plan Category	Implementation - Zoning District	
Single Family Residential	**R-1**	(Single Family Residential)
Mixed Residential	**R-2**	(Mixed Residential)
Multi-Family Residential	**R-3**	(Multi-Family Residential)
Neighborhood Center	**M-1**	(Neighborhood Center)
Community Center	**M-2**	(Community Center)
Central Business District	**M-3**	(Central Business District)
Community Commercial	**C-1**	(Community Commercial)
Freeway Commercial	**C-2**	(Freeway Commercial)
Light Industrial	**I**	(Light Industrial)
Public / Semi-Public Institutional	**P**	(Public / Semi-Public Institutional)
Open Space / Recreation	**O**	(Open Space / Recreation)
Mixed Residential	**RD-R**	(River District-Mixed Residential)
Community Center Mixed Use	**RD-M**	(River District-Community Center)
Freeway Commercial	**RD-C**	(River District-Freeway Commercial)

Types of Uses

- **Permitted Uses (P):** Permitted uses are designated in matrix (10-2A-4) with the letter “P”. These uses may occur without special action by the Hearing Body, subject to development standards of the zone in which it is located, and other applicable portions of this Code.
- **Limited Uses (L):** Limited uses are designated in matrix (10-2A-4) with the letter “L”. These uses are allowed if they comply with the development standards of the zone in which it is located, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc.
- **Conditional Uses (CU):** Conditional uses are designated in matrix (10-2A-4) with the letters “CU”. Conditional uses are permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner.
- **Not Permitted (N):** Uses designated in matrix (10-2A-4) with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
- **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Zoning Administrator may classify uses not specifically addressed in the matrix consistent with similar uses. Classifications shall also be consistent with Comprehensive Plan policies.
- **Essential Public Facilities (EPF's):** Facilities that may have statewide or regional/countywide significance are listed in the Facilities and Uses column as EPF and shall additionally be evaluated to determine applicability with the “Spokane County Regional Siting Process for Essential Public Facilities”, as amended.

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Agriculture (actively farmed)	N	N	N	N	L	N	N	N	N	N	N
Agricultural product / craft sales stand (Farmer's market)	N	N	N	L	L	L	L	L	L	L	L
Church / religious institution	P	P	P	P	P	P	P	P	P	N	N
Funeral home / mortuary	N	N	N	N	N	N	P	N	N	N	N
Home occupation	L	L	L	L	L	L	N	N	N	N	N
Hospital - EPF	N	N	N	N	P	N	P	P	P	N	N
Large-scale retail establishments	N	N	N	N	L	L	N	L	N	N	N
Marijuana Producer	N	N	N	N	N	N	N	N	N	N	N
Mobile sales / concessions	L	L	L	L	L	L	L	L	L	L	L
Parking structure	N	N	L	L	L	L	L	L	L	N	N
Planned unit development (PUD)	P	P	P	P	P	P	P	P	P	N	N
Temporary construction / sales office	L	L	L	L	L	L	L	L	L	L	L
Tower	N	N	N	N	N	N	L	N	L	N	N
Tower, private	L	L	L	L	L	L	L	L	L	N	N
Animal Related											
Animal health services / veterinarian - domestic animals	N	N	N	L	L	L	L	L	N	N	N
Animal shelter / kennel	N	N	N	N	N	N	N	N	L	L	N
Animal, wildlife rehabilitation facility	N	N	N	N	N	N	N	N	N	N	N
Dangerous animal / livestock keeping	N	N	N	N	N	N	N	N	N	N	N
Automobile, etc. oriented											
Automobile, manufactured home, recreational vehicle, trailer, & boat - sales	N	N	N	N	N	N	L	P	N	N	N
Automobile parts sales (retail)	N	N	N	N	L	L	P	P	P	N	N
Automobile parts sales (wholesale)	N	N	N	N	N	N	N	N	P	N	N
Automobile, recreational vehicle, trailer, truck, & taxi - rentals	N	N	N	N	N	N	L	P	N	N	N
Automobile / truck repair or maintenance (service station)	N	N	N	N	N	N	L	L	P	N	N
Automobile impound yard	N	N	N	N	N	N	N	N	N	P	N
Automobile wrecking / recycling, junk, & salvage yards	N	N	N	N	N	N	N	N	N	N	N
Boat, recreational vehicle, & trailer - construction, repair, parts sales, & maintenance	N	N	N	N	N	N	L	L	P	N	N
Car wash (automatic or self-service)	N	N	N	N	N	N	P	P	P	N	N
Gas station / convenience store	N	N	N	N	N	L	L	L	N	N	N
Fueling stations as an accessory use	N	N	N	N	N	N	L	L	N	N	N
Child day-care											
Family child day-care home (5 or fewer children)	P	P	P	P	P	P	N	N	N	N	N

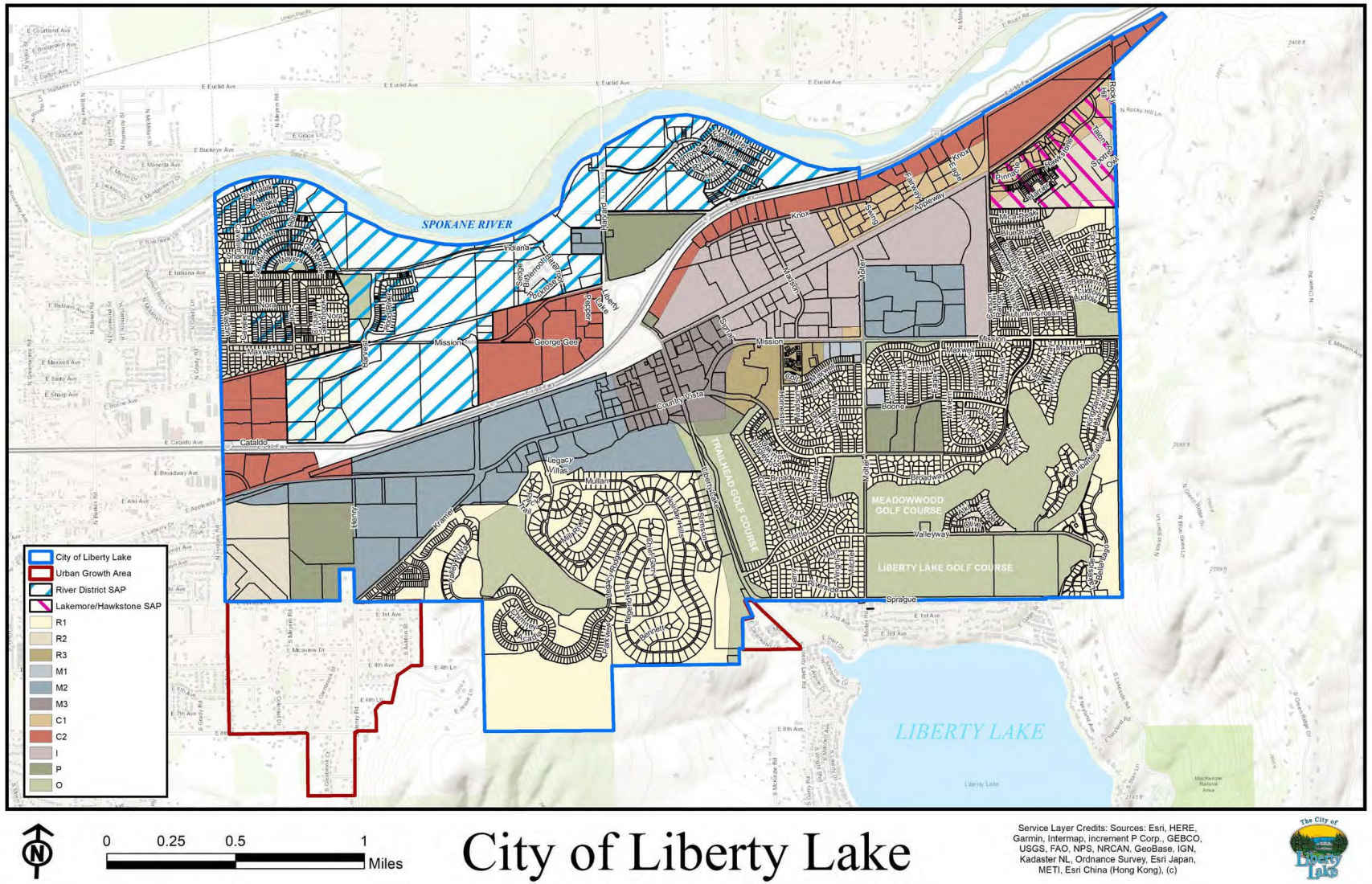
Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Family child day-care home (6 to 12 children)	P	P	P	P	P	P	N	N	N	N	N
Child day-care center	CU	P	P	P	P	P	P	P	L	P	N
Child day-care center (in a church or a school)	L	P	P	P	P	P	P	P	L	L	N
Community recreation & facilities											
Athletic club / exercise facility / gym	N	N	N	P	P	P	P	P	P	N	L
Community center / hall / club	L	P	P	P	P	P	P	P	N	P	L
Golf course	N	N	N	N	N	N	N	N	N	N	P
Parks & recreation	P	P	P	P	P	P	P	P	P	P	P
Participant & spectator sports facilities	N	N	N	L	L	N	P	P	P	N	L
Recreational vehicle park / campground	N	N	N	N	N	N	N	N	N	N	N
Dining, personal services, entertainment, lodging and retail (excluding automobile oriented)											
Adult entertainment establishment	N	N	N	N	N	N	CU	N	N	N	N
Adult retail use establishment	N	N	N	N	N	N	CU	N	N	N	N
Banks / financial institutions (without drive-thru)	N	N	N	P	P	P	P	P	P	N	N
Banks / financial institutions (with drive-thru)	N	N	N	L	L	L	P	P	P	N	N
Bed and breakfast inn	CU	CU	CU	CU	CU	CU	N	N	N	N	N
Building supply / hardware – sales (inside sales & storage)	N	N	N	P	P	P	P	P	N	N	N
Building supply / hardware – sales (outside sales & storage)	N	N	N	N	N	N	N	P	P	N	N
Commercial laundromat & dry-cleaning facility (without drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Commercial laundromat & dry-cleaning facility (with drive-thru)	N	N	N	L	L	L	P	P	N	N	N
Cultural center, library, museum	N	P	P	P	P	P	N	N	N	P	N
Espresso stand	N	N	N	N	N	N	L	N	N	N	N
General retail	N	N	N	P	P	P	P	P	L	N	L
Grocery store	N	N	N	P	P	P	P	P	N	N	N
Hotel, motel, inn	N	N	N	P	P	P	P	P	N	N	N
Landscape supply, greenhouse, or commercial nursery	N	N	N	N	P	N	P	P	P	N	N
Marijuana Retailer	N	N	N	N	N	N	N	N	N	N	N
Personal care services such as barber shops, hair and nail salons, tanning salons, etc.	N	N	N	P	P	P	P	P	L	N	N
Pharmacy (without drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Pharmacy (with drive-thru)	N	N	N	L	L	L	P	P	N	N	N
Printing, reprographics, bookbinding, & graphic services	N	N	N	P	P	P	P	P	P	N	N

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Restaurant, café, deli, or ice cream parlor (without drive-thru)	N	N	N	P	P	P	P	P	L	N	L
Restaurant, café, deli, or ice cream parlor (with drive-thru)	N	N	N	P	P	P	P	P	N	N	N
Sports Bar	N	N	N	N	L	L	P	P	N	N	N
Tavern / pub / liquor store	N	N	N	N	L	L	P	P	N	N	L
Theater – motion picture	N	N	N	N	P	N	N	N	N	N	N
Theater – performing arts	N	N	N	P	P	P	P	P	L	N	L
Winery / Microbrew	N	N	N	N	P	P	P	P	P	N	N
Government/ civic offices and facilities											
Detention facility - EPF	N	N	N	N	N	N	N	N	N	CU	N
Maintenance / public works facility	N	N	N	N	L	L	L	L	L	P	L
Municipal Offices / Facilities	N	N	P	P	P	P	P	P	P	P	N
Post office	N	N	N	L	L	L	N	N	N	P	N
Prison / correctional facility - EPF	N	N	N	N	N	N	N	N	CU	N	N
Public transit facilities - EPF	P	P	P	P	P	P	P	P	P	P	N
Schools – public / private											
Nursery / pre-school	P	P	P	P	P	P	N	N	N	P	N
Elementary school	P	P	P	P	P	N	N	N	N	P	N
Middle school / Junior High	N	P	P	P	P	N	N	N	N	P	N
High school	N	N	P	N	P	N	N	N	N	P	N
College or university - EPF	N	N	P	N	P	N	N	N	N	P	N
Specialized / vocational / trade school	N	N	P	N	P	P	N	N	P	P	N
Housing											
Accessory caretaker's residence	N	N	N	N	N	N	N	L	L	N	L
Accessory dwelling unit (ADU), attached or detached	L	L	L	L	L	L	N	N	N	N	N
Adult family home	P	P	P	P	P	P	P	P	N	N	N
Dwelling, multi-family	N	L	L	L	L	L	N	N	N	N	N
Dwelling, single family	P	P	P	N	N	N	N	N	N	N	N
Dwelling, single family attached townhome	L	L	L	L	L	L	N	N	N	N	N
Dwelling, two-family duplex	N	L	L	N	N	N	N	N	N	N	N
Emergency housing & shelters	N	N	N	L	L	L	L	L	N	N	N
Manufactured homes (on individual lots)	L	L	L	N	N	N	N	N	N	N	N
Manufactured home park	N	L	L	N	N	N	N	N	N	N	N
Transitional & Supportive Housing, 8 beds or less	L	L	L	L	L	L	L	L	N	N	N
Transitional & Supportive Housing, more than 8 beds	N	N	L	L	L	L	L	L	N	N	N
Zero lot line (single family courtyard home)	N	L	L	L	L	N	N	N	N	N	N
Manufacturing, equipment, and industrial production											

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Concrete product manufacturing / ready mix concrete (excluding extraction / mining)	N	N	N	N	N	N	N	N	N	N	N
Artisan / Craftsman Live Work	N	N	N	N	N	N	N	N	N	N	N
Construction / industrial equipment sales or rental	N	N	N	N	N	N	N	P	P	N	N
High impact uses	N	N	N	N	N	N	N	N	N	N	N
Light manufacturing & assembly	N	N	N	N	L	L	P	P	P	N	N
Light manufacturing & assembly w/ retail sales showroom	N	N	N	N	L	L	P	P	P	N	N
Lumber mill, sawmill, shingle mill, plywood mill	N	N	N	N	N	N	N	N	N	N	N
Machine shop	N	N	N	N	N	N	N	L	P	N	N
Marijuana Processor	N	N	N	N	N	N	N	N	N	N	N
Plastic injection molding	N	N	N	N	N	N	L	L	P	N	N
Sandblasting / cutting	N	N	N	N	N	N	L	L	P	N	N
Tool and die making	N	N	N	N	N	N	L	L	P	N	N
Welding / sheet metal shop	N	N	N	N	N	N	L	L	P	N	N
Woodworking / cabinet manufacturing	N	N	N	N	N	N	L	L	P	N	N
Woodworking / cabinet manufacturing w/ retail sales showroom	N	N	N	N	L	N	L	L	P	N	N
General office and professional facilities											
Communications service systems	N	N	N	N	P	N	P	P	P	N	N
Office	N	CU	P	P	P	P	P	P	P	N	N
Medical equipment supply	N	N	N	N	P	N	P	P	P	N	N
Research facility / laboratory	N	N	N	N	P	N	L	L	P	N	N
Telemarketing centers / catalog & mail order houses	N	N	N	N	P	N	P	P	P	N	N
Social Services											
Secure Community Transition Facility (SCTF, 3 or fewer residents) - EPF	N	CU	CU	N	N	N	N	N	N	N	N
Solid waste management & recycling											
Commercial composting storage / processing facility - EPF	N	N	N	N	N	N	N	N	N	CU	N
Incinerator - EPF	N	N	N	N	N	N	N	N	N	CU	N
Landfill - EPF	N	N	N	N	N	N	N	N	N	CU	N
Recycling collection center	N	N	N	N	N	N	N	N	N	CU	N
Solid waste transfer site - EPF	N	N	N	N	N	N	N	N	N	CU	N
Tire salvage yard	N	N	N	N	N	N	N	N	N	N	N
Storage, freight, and wholesale facilities											
Outdoor vehicle storage	N	N	N	N	N	N	N	N	N	N	N
Recreational vehicle storage & self-service storage facility (mini storage)	N	N	N	N	N	N	N	L	N	N	N

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Warehouse & freight movement	N	N	N	N	N	N	P	P	P	N	N
Wholesaling / distribution facility	N	N	N	N	L	N	P	P	P	N	N
Utilities and facilities											
Macro cell wireless communication antenna array	N	CU	CU	CU	CU	CU	CU	CU	CU	CU	N
Macro cell wireless communication support tower	N	N	N	N	N	N	N	N	CU	CU	N
Power plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
Public utility local distribution facility	L	L	L	L	L	L	L	L	L	L	N
Public utility transmission facility - EPF	N	N	N	N	N	N	CU	L	L	L	N
Sewage treatment plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
Small wireless facility	L	L	L	L	L	L	L	L	L	L	L

10-2A-5 Zoning Districts Map Exhibit



The map above is for informational purposes only.
For official zoning, contact the City of Liberty Lake Planning, Engineering & Building Services

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

Sections:

10-2B-1 **Purpose**

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

10-2B-3 **Limited Uses (L)**

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

10-2B-5 **Accessory Structures**

10-2B-6 **Development Setbacks**

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

10-2B-8 **Building Height**

10-2B-9 **Building Orientation**

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

10-2B-11 **Design Standards**

10-2B-1 Purpose

The R-1 (Single Family Residential) District is intended to promote the livability, stability, and improvement of the City's single-family neighborhoods. This article provides standards for the orderly expansion and improvement of single-family neighborhoods based on the following principles:

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

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

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

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

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

10-2B-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-1 (Single Family Residential) District with the letter "P" are permitted in the R-1 zone, without special action by the Hearing Body, subject to development standards of the R-1 (Single Family Residential) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2B-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-1 (Single Family Residential) District with the letter "L" are allowed in the R-1 zone if they comply with the development standards of the R-1 (Single Family Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific R-1 Limited Uses.

1. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Only permitted during community events.
3. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
4. **Tower, private**
    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.
    b. The tower must be accessory to a residence on the same site.
5. **Child day-care center (in a church or a school)**
    a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
    b. The facility shall meet Washington State childcare licensing requirements.
6. **Community center / hall / club**
    a. Only permitted as part of an approved Planned Unit Development (PUD) Plat.

7. **Accessory dwelling unit, attached**
    a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.
    b. The ADU shall be a complete, separate housekeeping unit that is within or attached to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.
    c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
    d. The ADU shall not have more than 2 bedrooms.
    e. A maximum of one ADU is allowed per lot. An attached ADU shall not be allowed on lots containing a detached ADU, duplex, or multi-family dwelling.
    f. An ADU shall not be permitted if the principal unit is less than 1,200 square feet.
    g. The ADU shall be designed in a manner so that the appearance of the principal unit remains that of a single-family residence. The ADU and its entrance shall be located in such a manner as to be unobtrusive in appearance when viewed from the front of the lot.
    h. The principal unit or ADU shall be owner-occupied.
8. **Accessory dwelling unit, detached**
    a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.
    b. The ADU shall be a complete, separate housekeeping unit, that meets the building code requirements for floor area and room sizes.
    c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.
    d. The ADU shall not have more than 2 bedrooms.
    e. A maximum of one ADU is allowed per lot. A detached ADU shall not be allowed on lots containing an attached ADU, duplex, or multi-family dwelling unit.
    f. The ADU shall have a pitched roof with a minimum slope of 4 and 12.
    g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.
    h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.
    i. The ADU shall be designed in a manner so that the appearance of the lot remains that of a single-family residential lot. The detached ADU shall be unobtrusive in appearance when viewed from the front of the lot. A minimum 6-foot sight-obscuring fence shall be required to buffer a detached ADU from adjacent lots, unless waived in acknowledged writing by abutting property owners.
    j. The principal unit or ADU shall be owner-occupied.
    k. Home occupations will be allowed within the detached accessory dwelling unit.
9. **Dwelling, single family attached townhomes**

a. Within the R-1 Residential District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.

b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on- street parking space). When a driveway serves more than one lot, the

f. Developer shall record an access and maintenance easement/agreement to

10. Manufactured homes on individual lots

a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.

b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences.

d. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets “Super Good Cents” or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.

e. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

11. Transitional & Supportive Housing, 8 beds or less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

12. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

13. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on existing or replacement non-wooden light poles, buildings, or structures adjacent to the zoning district boundary is the preferred siting location.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. A Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2B-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-1 (Single Family Residential) District with the letters “CU” are permitted to locate in the R-1 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific R-1 Conditional Uses.

1. Child Day Care Center

a. Any outdoor play area shall be completely enclosed to a minimum height of 6 feet with a solid wall or fully sight obscuring fence.

b. The facility shall meet Washington State childcare licensing requirements.

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

2. Bed and breakfast inn

a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

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

10-2B-5 Accessory Structures

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

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

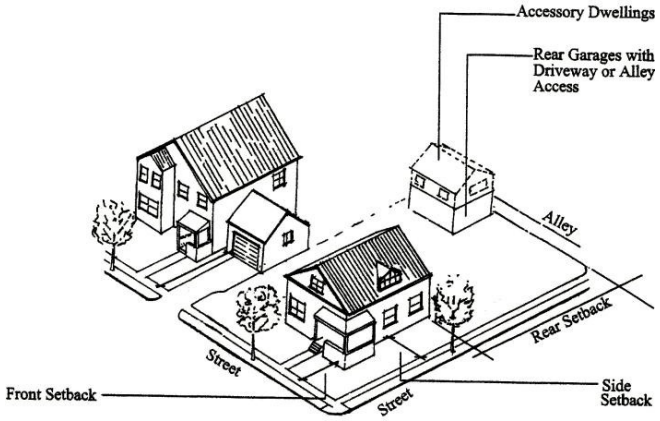
E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2B-6, 10- 2B-7, 10-2B-8, 10-2B-9, 10-2B-10, and 10-2B-11), unless specifically exempted, or alternative methods are authorized, or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

10-2B-6 Development Setbacks

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

residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

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



Liberty Lake Examples



A. Front Yard Setbacks

1. Minimum Setback

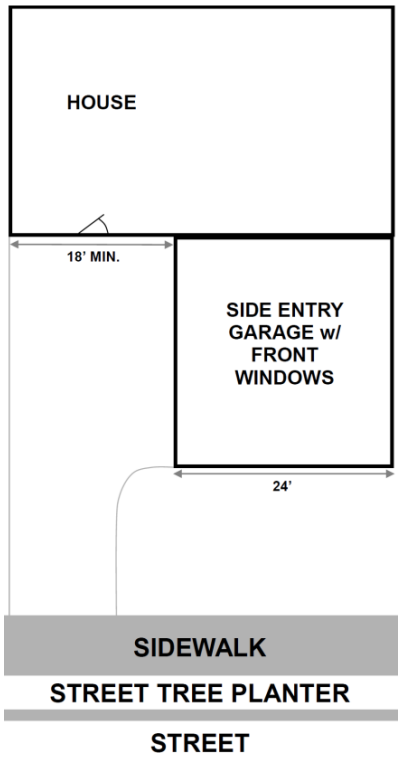
   a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses: A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 5 feet, as long as it does not encroach into a public utility easement.

   b. Attached (townhome) Single Family: A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 5 feet, as long as it does not encroach into a public utility easement.

   c. Clustered Housing: A minimum front yard setback of 10’ feet is required; however, 0 feet is allowed when fronting a Homeowner Association common area. Overhanging eaves may only extend beyond the property line into a common

utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

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



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

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

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

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

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

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

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

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

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

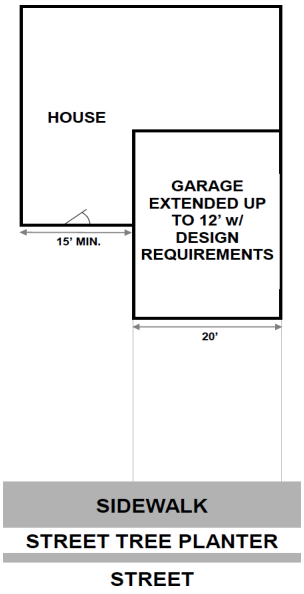
h. There are a minimum of two windows in each garage door

i. Windows in gables or dormers above the garage doors

j. A variety of architectural elements incorporated into the front building facade design, such as knee braces, varied column types, window boxes, corbels, and raised panel garage doors with windows

k. A direct pedestrian connection from the front door to the adjoining front sidewalk / streetscape

l. Each garage door is a one car width (9')



4. Detached garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet and at least 20 feet from the back of sidewalk.

5. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2B-9.

B. Rear Yard Setbacks

1. Minimum Setback

a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses:

The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).

b. Attached (townhome) Single Family: The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).

c. Clustered Housing: A minimum rear yard setback of 0 feet is allowed. Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

2. Accessory structures:

a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.

b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

C. Side Yard Setbacks

1. Minimum Setback

a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

b. Attached (townhome) Single Family: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

c. Clustered Housing: A minimum side yard setback of 0 feet is allowed. Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

D. Setback Exceptions

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks, and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet, subject to the front yard setback provisions in “A”. Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. Interior side yard setbacks would be 0 feet for dwelling units that are attached by a common wall.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development).
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

R-1 Land Use	Lot Area	Lot Width / Depth	Lot Coverage	Residential Density
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: None	Minimum Width: None Maximum Depth: None	Maximum: 60 percent	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 6 dwelling units per acre
Attached (townhome) Single Family Housing; Clustered Housing	Minimum area: None Maximum area: None	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 60 percent *	Minimum Net Density: 4 dwelling units per acre Maximum Net Density: 8 dwelling units per acre

Other Uses	Minimum area: None Maximum area: 4 acres (excluding parks and recreation uses)	Minimum Width: 60 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

* Attached Clustered Housing shall be based on the individual project boundary

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

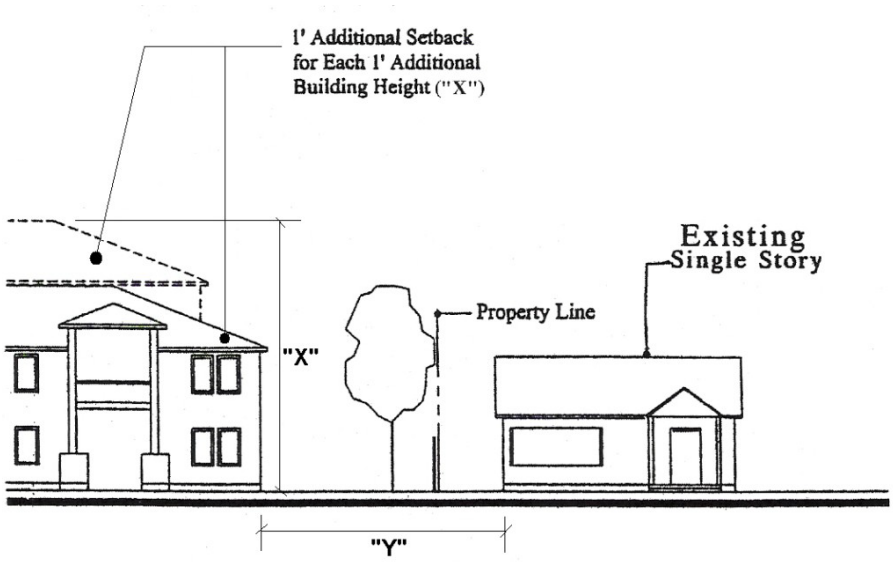
10-2B-8 Building Height

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

A. Building Height Standard. Buildings within the R-1 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in "C" below.

B. Method of Measurement. "Building height" is measured as the vertical distance from the highest grade on the front elevation to the highest roofline on the building.

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

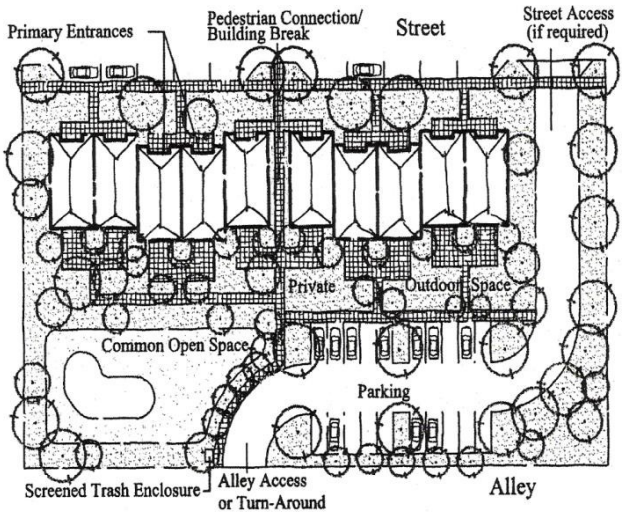


C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall "step-down" to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 12 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building ("x") does not exceed one (1) foot of height for every one (1) foot of side yard separating the two buildings ("y"), as shown above up to a maximum 10' required side yard setback adjacent to the single-story building.

10-2B-9 Building Orientation

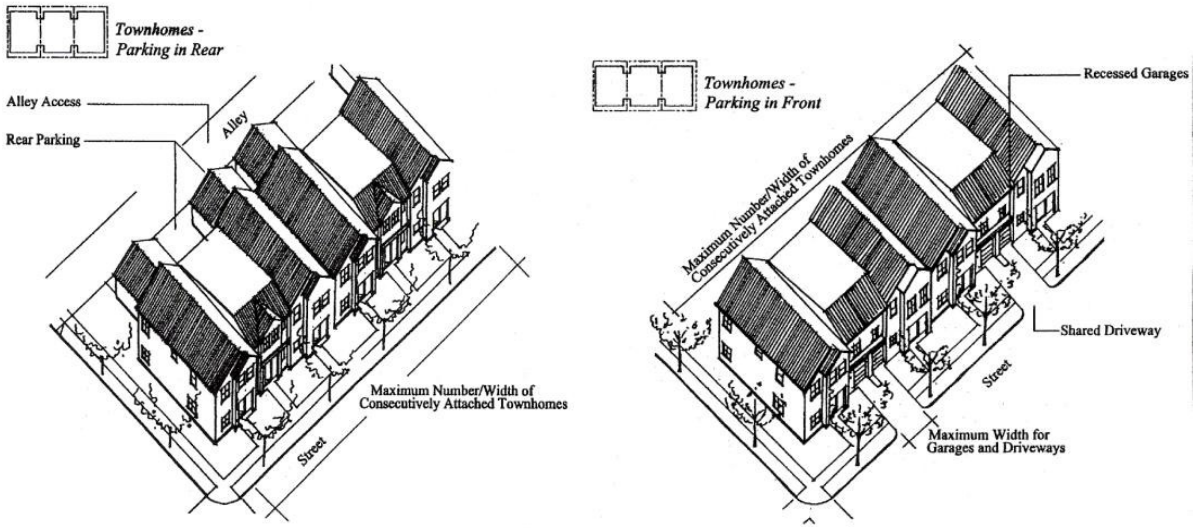
A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".



B. Applicability. This section applies to all buildings in the R-1 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the R-1 zone are also required to comply with the standards outlined above in Section 10-2B-3 or 10-2B-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2B-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B – Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.



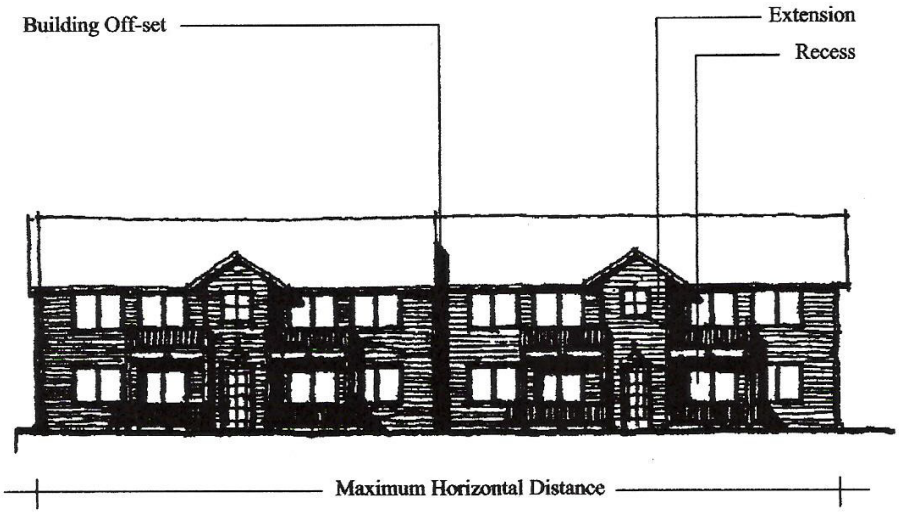
Residential Single Family Attached Townhome Alley and Street Access Examples

10-2B-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the R-1 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the R-1 zone are also required to comply with the standards outlined above in Section 10-2B-3 or 10-2B-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Building Form.

   The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

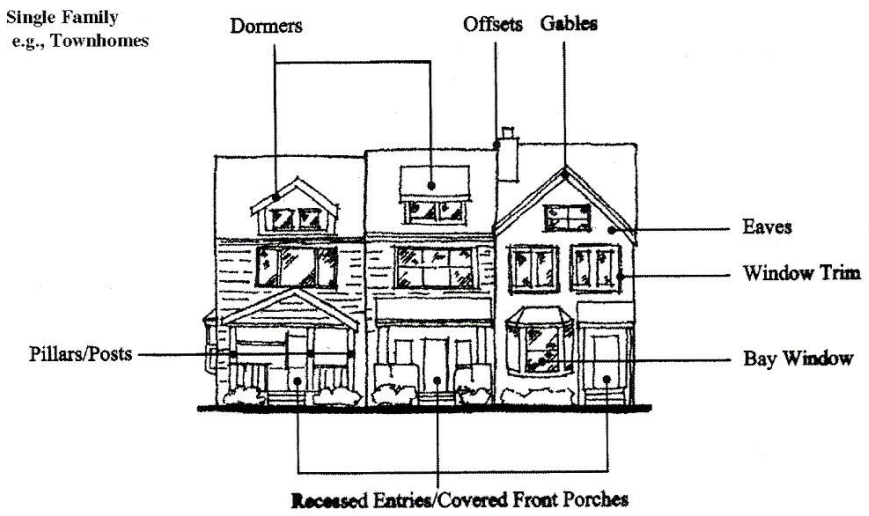
   a. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

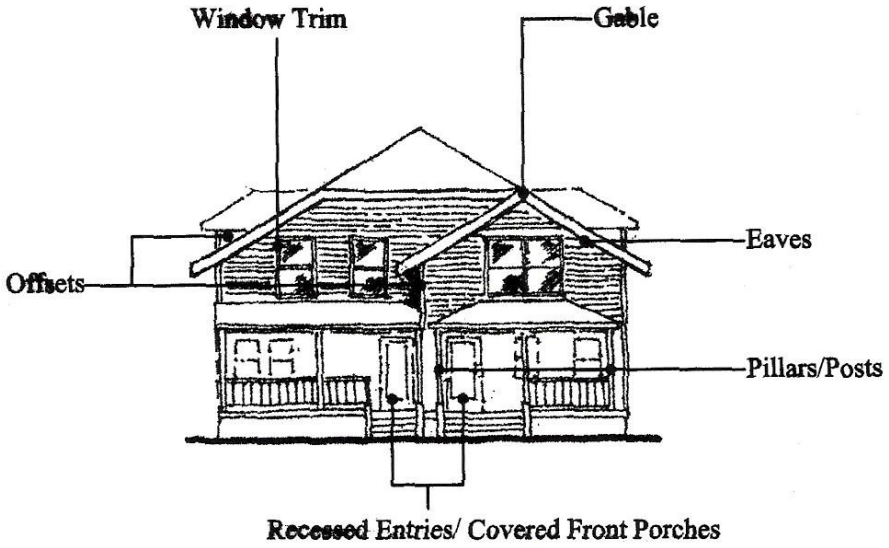
   b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Eyes on the Street.

   All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.





3. Detailed Design.

   All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Cupolas or towers
   f. Pillars or posts
   g. Eaves (min. 6-inch projection)
   h. Offsets in building face or roof (minimum 16 inches)
   i. Window trim (minimum 4-inches wide)
   j. Bay windows
   k. Balconies
   l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   m. Decorative cornices and roof lines (e.g., for flat roofs)
   n. An alternative feature providing visual relief, similar to options a-n.

D. Materials. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials apply to new construction projects in the R-1 Zone:

   1. Acceptable Roofing Materials

a. Composition
b. Concrete tile
c. Slate
d. Cedar Shake
e. Metal - tile or shake only
f. Copper Shake
g. Other materials determined acceptable by the Zoning Administrator

2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Wood or Cedar Shake
    e. T-111 or Composite
    f. Vinyl Lap
    g. Other materials determined acceptable by the Zoning Administrator
4. Prohibited Siding Materials
    a. Corrugated Metal
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator

10-2B-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the R-1 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls

3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2C-1 **Purpose**

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

10-2C-3 **Limited Uses (L)**

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

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

10-2C-6 **Development Setbacks**

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

10-2C-8 **Building Height**

10-2C-9 **Building Orientation**

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

10-2C-11 **Design Standards**

10-2C-1 Purpose

The R-2 (Mixed Residential) District is intended to promote the livability, stability, and improvement of the City's mixed residential neighborhoods. This article provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

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

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

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

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

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

10-2C-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-2 (Mixed Residential) District with the letter "P" are permitted in the R-2 zone, without special action by the Hearing Body, subject to development standards of the R-2 (Mixed Residential) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix

(Section 10-2A-4), may be permitted.

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

10-2C-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-2 (Mixed Residential) District with the letter "L" are allowed in the R-2 zone if they comply with the development standards of the R-2 (Mixed Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific R-2 Limited Uses.

1. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Only permitted during community events.
3. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
4. **Tower, private**
    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.
    b. The tower must be accessory to a residence on the same site.
5. **Accessory dwelling unit, attached**
    a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.
    b. The ADU shall be a complete, separate housekeeping unit that is within or attached

to the principal unit with a common wall(s) and that meets the building code requirements for floor area and room sizes.

c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

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

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

6. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

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

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

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

7. Dwelling, multi-family (see #10) below for three-family triplex)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

a. The maximum width or length of a multiple family building shall not exceed 160

feet (from end-wall to end-wall);

b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drives to the greatest extent practicable;

e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

f. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

8. Dwelling, single family attached townhomes, Dwelling, two-family duplex, & Dwelling, multi-family (three-family triplex)

a. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.

b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on- street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

f. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner’s association or other legal entity. A homeowner’s association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit

approval, to check for common area maintenance provisions.

9. Manufactured homes on individual lots

a. The manufactured home shall be multi-sectional floor plan and have an enclosed floor area of not less than 1,000 sq. ft.

b. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

c. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing).

d. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling. Evidence demonstrating that the manufactured home meets “Super Good Cents” or equivalent energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers' certification shall not be required.

e. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 8 inches above grade.

10. Manufactured home park

a. Manufactured home parks are permitted on parcels of one (1) acre or larger.

b. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide.

c. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of- way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

d. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6-foot-wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

e. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

f. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing)

g. Associated uses permitted within manufactured home parks - Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 10-4I-2 - Home Occupations.

11. Transitional & supportive housing, 8 beds or less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

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

"Zero-lot line" houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards.

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;

b. The Zoning Administrator shall approve the minimum rear and front setbacks, and they shall be drafted on the final PUD Plat;

c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and

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

13. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

14. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on existing or replacement non-wooden light poles, buildings, or structures adjacent to the zoning district boundary is the preferred siting location.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

10-2C-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-2 (Mixed Residential) District with the letters "CU" are permitted to locate in the R-2 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific R-2 Conditional Uses.

1. Bed and breakfast inn

a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

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

2. Office

a. Offices shall only be permitted on lots that front an arterial or collector street.

b. The maximum width or length of an office building shall not exceed 160 feet (from end-wall to end-wall).

c. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

d. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

e. The maximum commercial footprint area shall not exceed 3000 square feet total per site. An individual leasable office space shall not exceed 1500 square feet of footprint area.

f. Offices may include apartments above or within which shall not be included in the calculation for leasable office space area.

g. Offices shall be open to the public only during the following hours: 8:00 a.m. to 7:00 p.m.

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

3. Secure Community Transition Facility (SCTF, 3 or fewer residents) – EPF

a. The facility shall be limited to 3 or fewer residents.

b. In no case shall a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. The law defines “risk potential activity” or “risk potential facility” to mean “an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center.” The following are considered to be risk potential activities or facilities:

i. Public and private schools;

ii. School bus stops;

iii. Licensed day care and licensed preschool facilities;

iv. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;

v. Recreational and community centers;

vi. Churches, synagogues, temples, mosques, and other places of worship;

vii. Public library;

viii. Any other risk potential facility identified in siting criteria by the Department of Social and Health Services with respect to siting a Secure Community Transition Facility.

c. The Secure Community Transition Facility shall meet any applicable state, federal, and local licensing for a facility 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.

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.

e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility including the following security measures:

   i. Intensive staffing. The law requires the Secure Community Transition Facility to provide intensive staffing ratios. In facilities with six or fewer residents, the facility must provide a ratio of one staff on duty for each three residents during the night hours (6:00 p.m. to 6:00 a.m.).

   ii. Close supervision and escorts. Unless otherwise ordered by the court, each Secure Community Transition Facility resident must be closely supervised (on a one-to-one basis) by a trained staff or court- authorized escort when the resident leaves the Secure Community Transition Facility premises for any purpose. The staff/escort must remain with the resident for the duration of the outing, even when the resident may be working at a job. Staff and escorts must carry a cellular telephone or a similar communication device at all times when escorting a resident.

   iii. Household security systems. The Secure Community Transition Facility must have household and perimeter security systems installed that meet specific technical specifications and offer appropriate emergency backup provisions. This includes providing a tamper-proof security panel, emergency electrical supply system, personal panic devises for all staff, staff photo ID badges, etc.

   iv. Staff training and qualifications. The Secure Community Transition Facility staff must be qualified and trained as required by Washington state law.

   v. Informed staff and escorts. Staff and escorts must be fully informed about each resident's offense history and behavior patterns.

   vi. Community trips require advance planning. Residents are allowed to leave the facility premises only for specified purposes, as authorized by the court order, and only with prior approval of the resident's assigned community corrections officer, treatment provider, and the Secure Community Transition Facility program manager. Reasons for leaving the facility may include treatment, employment interviews, employment, training, and other activities, such as family visits, that are specifically addressed in the resident's treatment plan.

   vii. Individual electronic monitoring devices. Unless otherwise ordered by the court, each resident must wear an individual electronic monitoring device.

f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do meet the minimum standards must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.

g. The use shall be subject to restrictions and conditions as may be imposed by the

Hearing Examiner under Article 10-4H.

4. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2C-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in residential zones include detached garages,

carports, sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. (For standards applicable to Accessory Dwellings, please refer to Section 10-2C-3). Accessory structures shall comply with all of the following standards and Sections 10-2C-6 for setbacks and 10-2C-7 for maximum lot coverage:

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

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

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

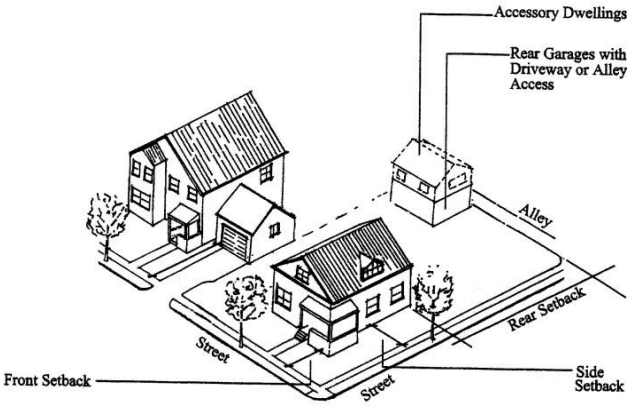
D. Buffering. A minimum 6-foot sight obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2C-6 Development Setbacks

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

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



Liberty Lake Examples



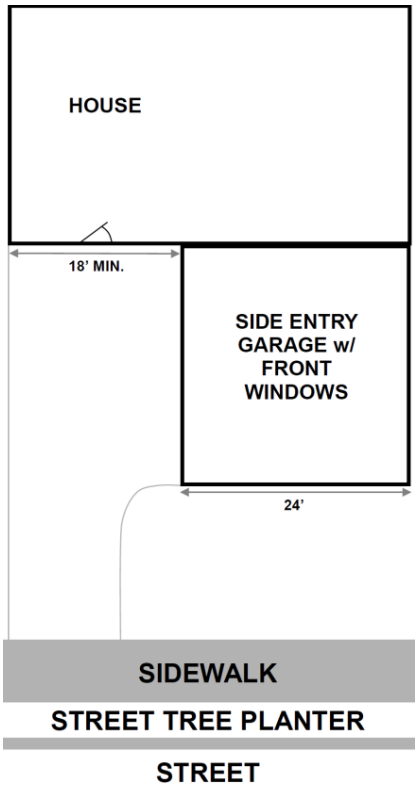
A. Front Yard Setbacks

1. Minimum Setback

   a. Detached & Attached Single Family Housing; Manufactured Homes on Lots and Other Uses: A minimum front yard setback of 10 feet is required, except that an unenclosed porch may be within 5 feet, as long as it does not encroach into a public utility easement.

   b. Clustered Housing: A minimum front yard setback of 10 feet is required; however, 0 feet is allowed when fronting a Homeowner Association common area. Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

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



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

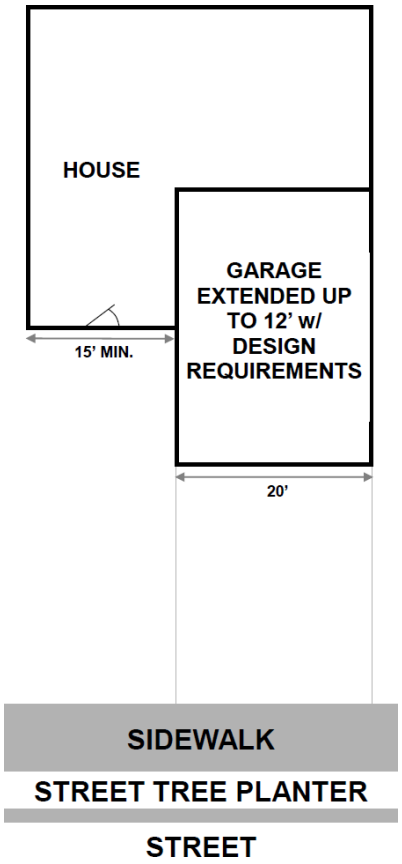
   A front-loaded garage may extend up to twelve (12) feet in front of the furthest forward living space or covered porch on the street-facing elevation if six (6) of the residential design elements outlined below are included on the front of the structure. Additionally, the ratio of house elevation width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

   a. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window
   b. The building facade includes two or more offsets of sixteen inches or greater
   c. A minimum sixty-square foot covered front porch that is at least five feet deep
   d. Windows and main entrance doors that occupy a minimum of fifteen of the lineal length of the front facade (excluding any windows in a garage door)
   e. Windows on front elevations include a minimum of four-inch trim or shutters
   f. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street façade
   g. Garage doors are painted the same color as the body color of the front elevation of the home
   h. There are a minimum of two windows in each garage door
   i. Windows in gables or dormers above the garage doors

j. A variety of architectural elements incorporated into the front building facade design, such as knee braces, varied column types, window boxes, corbels, and raised panel garage doors with windows

k. A direct pedestrian connection from the front door to the adjoining front sidewalk / streetscape

l. Each garage door is a one car width (9')



2. Detached garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet and at least 20 feet from the back of sidewalk.

3. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2C-9.

C. Rear Yard Setbacks

1. Minimum Setback

a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses: The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).

b. Attached (townhome) Single Family: The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).

c. Clustered Housing: A minimum rear yard setback of 0 feet is allowed. Overhanging

eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

2. Accessory structures:

    a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.

    b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

D. Side Yard Setbacks

1. Minimum Setback

    a. Detached Single Family Housing; Manufactured Homes on Lots and Other Uses: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

    b. Attached (townhome) Single Family: The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).

    c. Clustered Housing: A minimum side yard setback of 0 feet is allowed. Overhanging eaves may only extend beyond the property line into a common utility/use or maintenance easement, adjacent common area or tract that is owned and maintained by the Cluster Housing Homeowner Association. No other portion of the structure may extend beyond the property line and no structures shall be located within easements.

2. When zero-lot line development is permitted, the minimum side yard setbacks shall be 6 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 10-2C-3)

E. Setback Exceptions

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks, and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet, subject to the front yard setback provisions in “A”. Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. Interior side yard setbacks would be 0 feet for dwelling units that are attached by a common wall.

F. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of

the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Duplex and triplex or other multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat.
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage. “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

R-2 Land Use	*Lot Area*	*Lot Width / Depth*	*Lot Coverage*	*Residential Density*
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: None. Maximum area: None.	Minimum Width: None Maximum Depth: None	Maximum: 60 percent	Minimum Net Density: 6 dwelling units per acre Maximum Net Density: 12 dwelling units per acre
Two-Family Housing (duplex)	Minimum area: None. Maximum area: None.	Minimum Width: None Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 6 dwelling units per acre Maximum Net Density: 12 dwelling units per acre
Attached (townhome) Single Family Housing; Clustered Housing	Minimum area: None. Maximum area: None.	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent*	Minimum Net Density: 6 dwelling units per acre Maximum Net Density: 12 dwelling units per acre
Manufactured Home Parks	See Section 10-2C-3 for Manufactured Home Park standards.			Minimum Net Density: 6 dwelling units per acre Maximum Net Density: 12 dwelling units per acre
Multi-Family Housing	Minimum area: None. Maximum area: None.	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 6 dwelling units per acre Maximum Net Density: 12 dwelling units per acre
Other Uses	Minimum area: None. Maximum area: None.	Minimum Width: 60 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: None Maximum Net Density: None

* Attached Clustered Housing shall be based on the individual project boundary

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

10-2C-8 Building Height

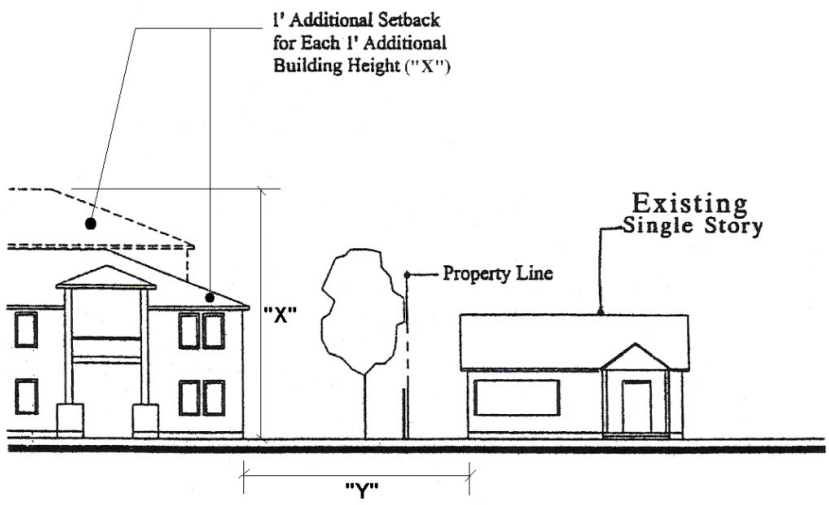
The following building height standards are intended to promote land use compatibility and support the

principle of neighborhood-scale design:

A. Building Height Standard. Buildings within the R-2 Zone shall be no more than 35 feet tall. Building height may be restricted to less than this maximum when necessary to comply with the Building Height Transition standard in “C” below.

B. Method of Measurement. “Building height” is measured as the vertical distance from the highest grade on the front elevation to the highest roofline on the building.

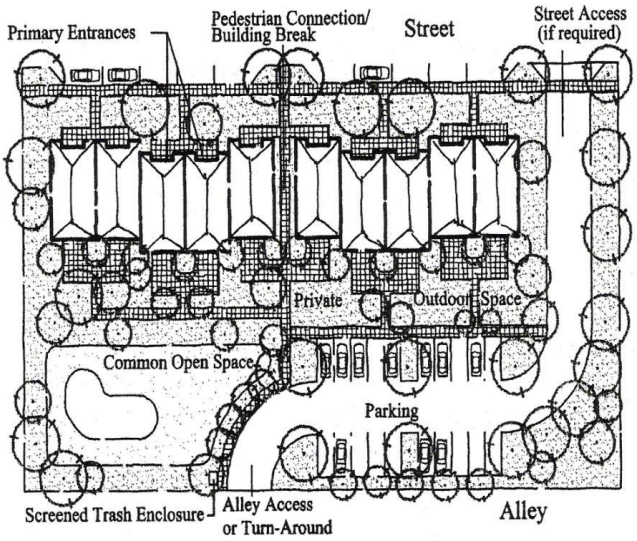
Not included in the maximum height are chimneys, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall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



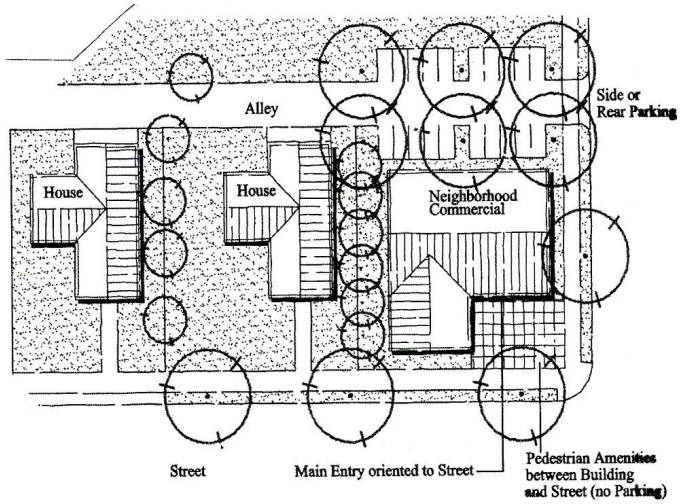
C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 12 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot of side yard separating the two buildings (“y”), as shown above up to a maximum 10' required side yard setback adjacent to the single-story building.

10-2C-9 Building Orientation



Residential Single Family Attached Townhome or Multi-Family Orientation Example



Non-Residential Orientation Example

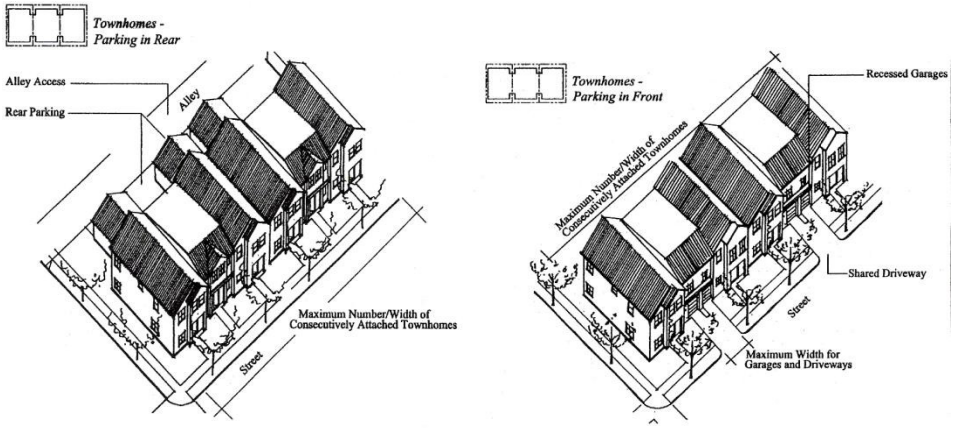
A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

B. Applicability. This section applies to all buildings in the R-2 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the R-2 zone are also required to comply with the standards outlined above in Section 10-2C-3 or 10-2C-4. Buildings that do not require site design review are encouraged to incorporate these standards.

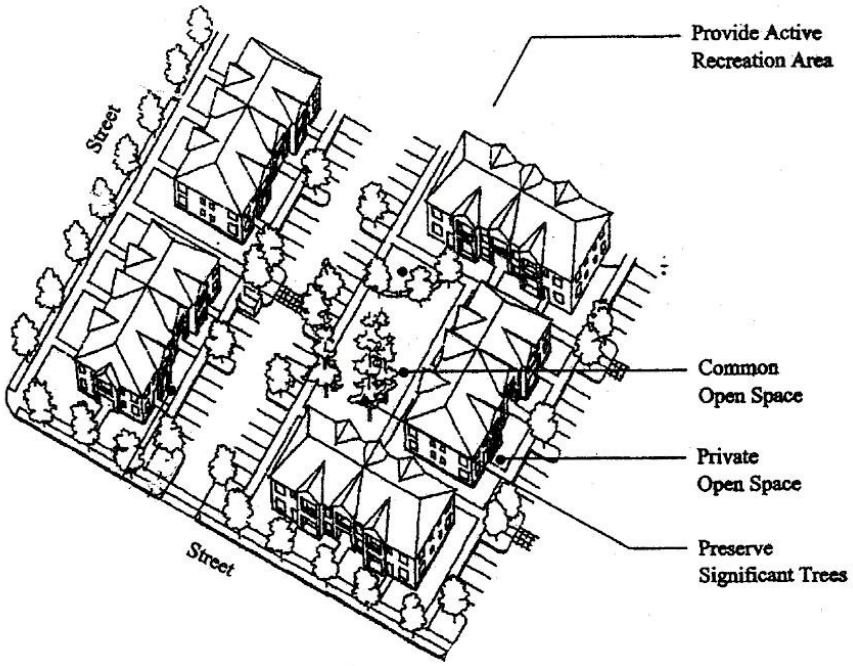
C. Building orientation standards. All buildings which are subject to this Section shall be oriented to

a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2C-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.



Residential Single Family Attached Townhome Alley and Street Access Examples



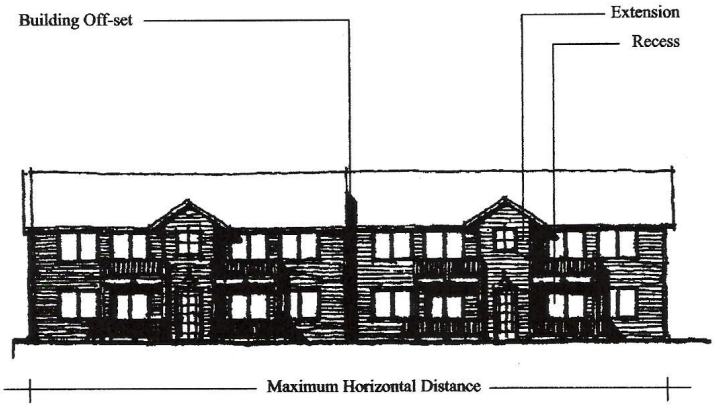
Multi-Family Example

10-2C-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the R-2 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the R-2 zone are also required to comply with the standards outlined above in Section 10-2C-3 or 10-2C-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Building Form.

   The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

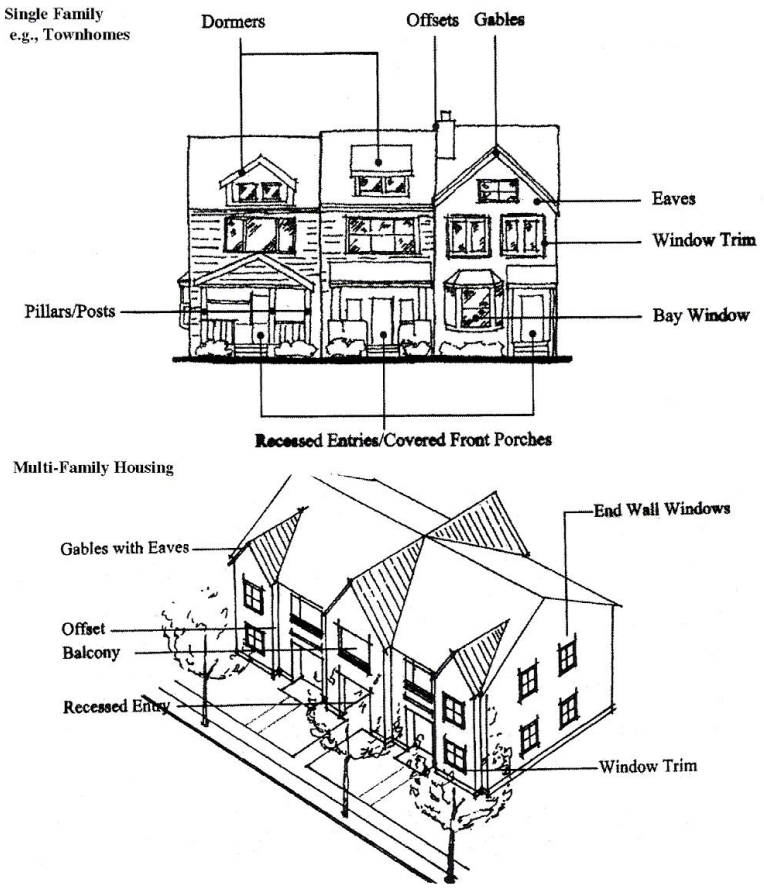
   a. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

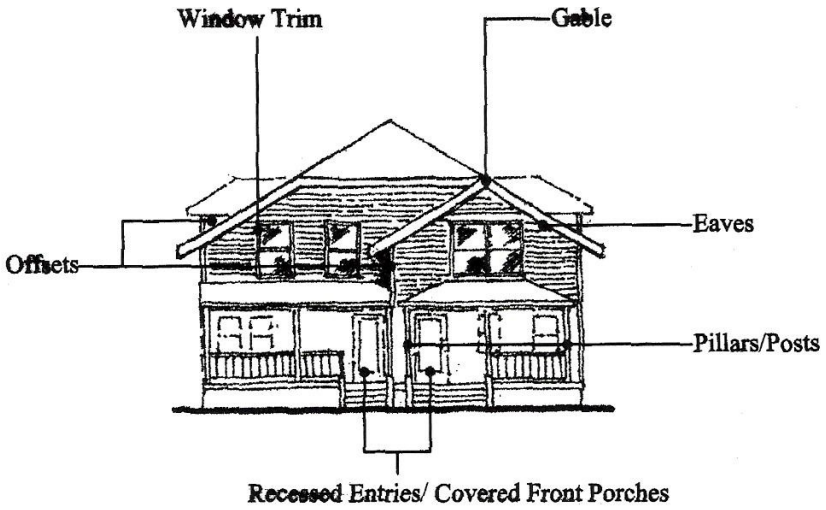
   b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Eyes on the Street.

   All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.





3. Detailed Design.

   All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Cupolas or towers
   f. Pillars or posts
   g. Eaves (min. 6-inch projection)
   h. Off-sets in building face or roof (minimum 16 inches
   i. Window trim (minimum 4-inches wide
   j. Bay windows
   k. Balconies
   l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   m. Decorative cornices and roof lines (e.g., for flat roofs)
   n. An alternative feature providing visual relief, similar to options a-n.

D. Materials. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials apply to new construction projects in the R-2 Zone:

   1. Acceptable Roofing Materials

a. Composition
b. Concrete tile
c. Slate
d. Cedar Shake
e. Metal - tile or shake only
f. Copper Shake
g. Other materials determined acceptable by the Zoning Administrator

2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Material
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Wood or Cedar Shake
    e. T-111 or Composite
    f. Vinyl Lap
    g. Other materials determined acceptable by the Zoning Administrator
4. Prohibited Siding Materials
    a. Corrugated Metal
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator

10-2C-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the R-2 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls

3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2D-1 **Purpose**

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

10-2D-3 **Limited Uses (L)**

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

10-2D-5 **Accessory Structures**

10-2D-6 **Development Setbacks**

10-2D-7 **Lot Area, Dimensions, Coverage, and Residential Density**

10-2D-8 **Building Height**

10-2D-9 **Building Orientation**

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

10-2D-11 **Design Standards**

10-2D-1 Purpose

The R-3 (Multi-Family Residential) District is intended to promote the livability, stability, and improvement of the City's multi-family neighborhoods. This article provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

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

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

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

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

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

10-2D-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letter "P" are permitted in the R-3 zone, without special action by the Hearing Body, subject to development standards of the R-3 (Multi-Family Residential) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in

the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2D-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letter "L" are allowed in the R-3 zone if they comply with the development standards of the R-3 (Multi-Family Residential) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific R-3 Limited Uses.

1. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Only permitted during community events.
3. **Parking structure**
    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
    b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.
4. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
5. **Tower, private**
    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that

only the City of Liberty Lake can remove the easement.

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

6. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall be clearly a subordinate part of the principal unit. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

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

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

7. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

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

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

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

8. Dwelling, multi-family (see #13 below for three-family triplex)

The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

a. The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall);

b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

c. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

d. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drives to the greatest extent practicable;

e. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

f. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

9. Dwelling, single-family attached townhomes, Dwelling, two-family duplex, & Dwelling, multi-family (three-family triplex)

a. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units, or 160 feet (from end-wall to end-wall), whichever is less.

b. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

d. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

e. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an

access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

f. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner’s association or other legal entity. A homeowner’s association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

10. Manufactured home park

a. Manufactured home parks are permitted on parcels of one (1) acre or larger.

b. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide.

c. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of- way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

d. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6-foot-wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

e. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees).

f. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood- appearance siding is considered “superior” to metal siding and roofing)

g. Associated uses permitted within manufactured home parks - Single family residences, manufactured home park manager’s office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 10-4I-2 - Home Occupations.

11. Transitional & Supportive Housing, 8 beds or less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

12. Transitional & Supportive Housing, more than 8 beds

a. The facility shall be limited to 40 or fewer residents, not including caregivers and staff.

b. The facility should be limited to 20 or fewer housing units within a single facility or complex.

c. The facility must maintain an outwardly residential appearance and conform to the residential character of the area.

d. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

e. The facility must be located within ¼ mile of a fixed transit route.

f. The facility shall meet any applicable state and federal licensing requirements.

13. Zero-lot line (single family courtyard home

"Zero-lot line" houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards.

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;

b. The Zoning Administrator shall approve the minimum rear and front setbacks, and they shall be drafted on the final PUD Plat;

c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and

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

14. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

15. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on existing or replacement non-wooden light poles, buildings, or structures adjacent to the zoning district boundary is the preferred siting location.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on existing or replacement utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. A Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2D-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the R-3 (Multi-Family Residential) District with the letters "CU" are permitted to locate in the R-3 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific R-3 Conditional Uses.

1. Bed and breakfast in

a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

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

2. Secure Community Transition Facility (SCTF, 3 or fewer residents) – EPF

a. The facility shall be limited to 3 or fewer residents.

b. In no case shall a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the Hearing Examiner shall consider an unobstructed visual distance of 600 feet to be "within line of sight." Through the conditional use process, "line of sight" may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. The law defines “risk potential activity” or “risk potential facility” to mean “an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center.” The following are considered to be risk potential activities or facilities:

   i. Public and private schools;

   ii. School bus stops;

   iii. Licensed day care and licensed preschool facilities;

   iv. Public playground, sports fields, golf courses, parks, or public trails, including Liberty Lake and Centennial Trail;

   v. Recreational and community centers;

   vi. Churches, synagogues, temples, mosques, and other places of worship

   vii. Public library

   viii. Any other risk potential facility identified in siting criteria by the Department of Social and Health Services with respect to siting a Secure Community Transition Facility.

c. The Secure Community Transition Facility shall meet any applicable state, federal, and local licensing for a facility 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;

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the *Spokane County Regional Siting Process for Essential Public Facilities*.

e. The applicant shall demonstrate that it has met all the standards required by state law for public safety, staffing, security, and training, and those standards shall be maintained for the duration of the operation of the secure community transition facility including the following security measures:

   i. Intensive staffing. The law requires the Secure Community Transition Facility to provide intensive staffing ratios. In facilities with six or fewer residents, the facility must provide a ratio of one staff on duty for each three residents during the night hours (6:00 p.m. to 6:00 a.m.).

ii. Close supervision and escorts. Unless otherwise ordered by the court, each Secure Community Transition Facility resident must be closely supervised (on a one-to-one basis) by a trained staff or court- authorized escort when the resident leaves the Secure Community Transition Facility premises for any purpose. The staff/escort must remain with the resident for the duration of the outing, even when the resident may be working at a job. Staff and escorts must carry a cellular telephone or a similar communication device at all times when escorting a resident.

iii. Household security systems. The Secure Community Transition Facility must have household and perimeter security systems installed that meet specific technical specifications and offer appropriate emergency backup provisions. This includes providing a tamper-proof security panel, emergency electrical supply system, personal panic devises for all staff, staff photo ID badges, etc.

iv. Staff training and qualifications. The Secure Community Transition Facility staff must be qualified and trained as required by Washington state law.

v. Informed staff and escorts. Staff and escorts must be fully informed about each resident's offense history and behavior patterns.

vi. Community trips require advance planning. Residents are allowed to leave the facility premises only for specified purposes, as authorized by the court order, and only with prior approval of the resident's assigned community corrections officer, treatment provider, and the Secure Community Transition Facility program manager. Reasons for leaving the facility may include treatment, employment interviews, employment, training, and other activities, such as family visits, that are specifically addressed in the resident's treatment plan.

vii. Individual electronic monitoring devices. Unless otherwise ordered by the court, each resident must wear an individual electronic monitoring device.

f. Properties that fail to meet any of these criteria must be removed from further consideration. The properties that do meet the minimum standards must be further evaluated to determine which one, among the available properties, is the most suitable. When a site is selected, preference must be given to properties that are the farthest removed from risk potential activities or facilities.

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

3. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement used to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected

emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2D-5 Accessory Structures

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

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

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

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

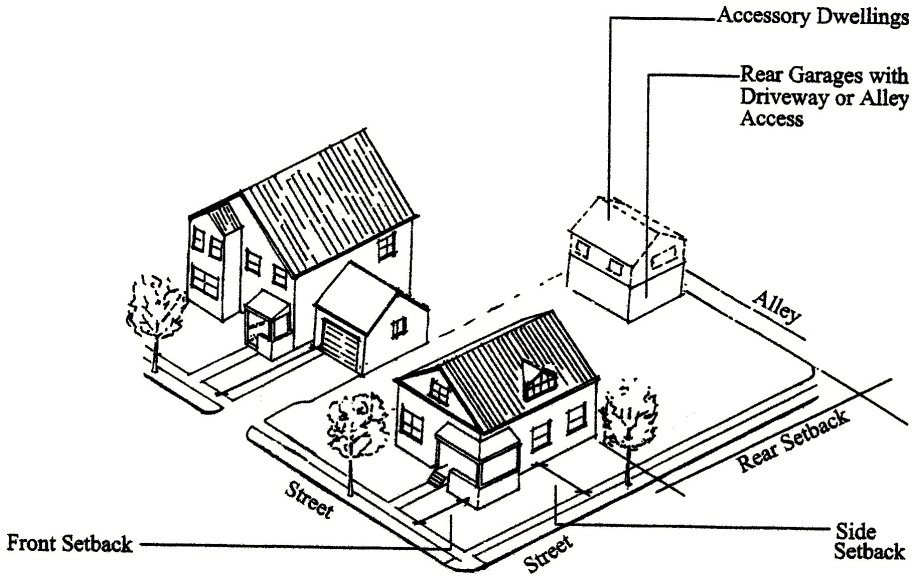
D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2D-6 Development Setbacks

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

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed and illustrated below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.



A. Front Yard Setbacks

1. A minimum setback of 15 feet is required, except that an unenclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement.
2. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 4 feet. Alternatively, garage and carport entrances

may be built flush with the front building elevation when the building is set back by at least 20 feet.

3. Multi-family housing and other buildings that require Site Design Review (see Section 10-4C-2), shall also comply with the building orientation standards in Section 10-2C-9.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots (except for accessory structures).
2. Accessory structures:
    a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.
    b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

C. Side Yard Setbacks

1. The minimum side yard setback shall be 5 feet on interior side yards and 15 feet on flanking street yards (street corner yards).
2. When zero-lot line development is permitted, the minimum side yard setbacks shall be 6 feet minimum on one side of the dwelling unit, and no setback required on the

    opposite side. (See standards for zero-lot line housing in Section 10-2C-3)

D. Setback Exceptions

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet. Porches, decks, and similar structures not exceeding 24 inches in height may encroach into setbacks by no more than 5 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. Interior side-yard setbacks would be 0 feet for dwelling units that are attached by a common wall.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Duplex and triplex or other multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat.
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

R-3 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: None Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 60 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Two-Family Housing (duplex)	Minimum area: None Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Attached (townhome) Single Family Housing	Minimum area: None Maximum area: None	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None

Manufactured Home Parks	See Section 10-2D-3 for Manufactured Home Park standards.			Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Multi-Family Housing	Minimum area for three-family (triplex): None	Minimum Width: 40 feet at front property line	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre
	Maximum area for three-family (triplex): None	Maximum Depth: None		Maximum Net Density: None
	Minimum area for multi-family (4 or more units): None			
	Maximum area: None			
Other Uses	Minimum area: None	Minimum Width: 50 feet at front property line	Maximum: 70 percent	None
	Maximum area: None	Maximum Depth: None		

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

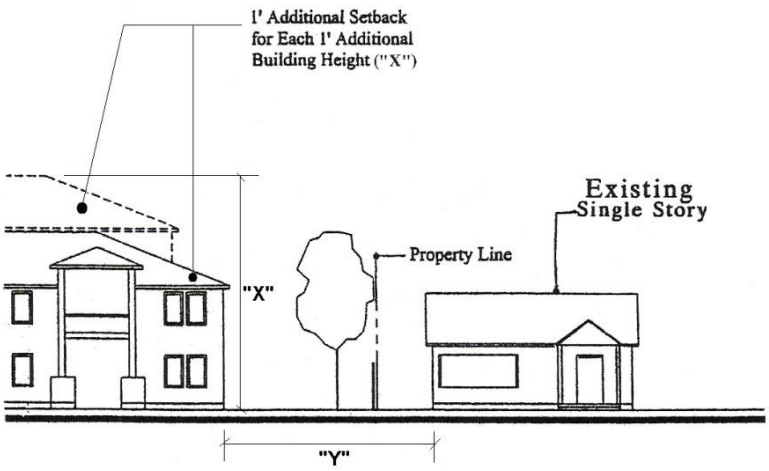
10-2D-8 Building Height

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

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

B. Method of Measurement. “Building height” is measured as the vertical distance from the highest grade on the front elevation to the highest roofline on the building.

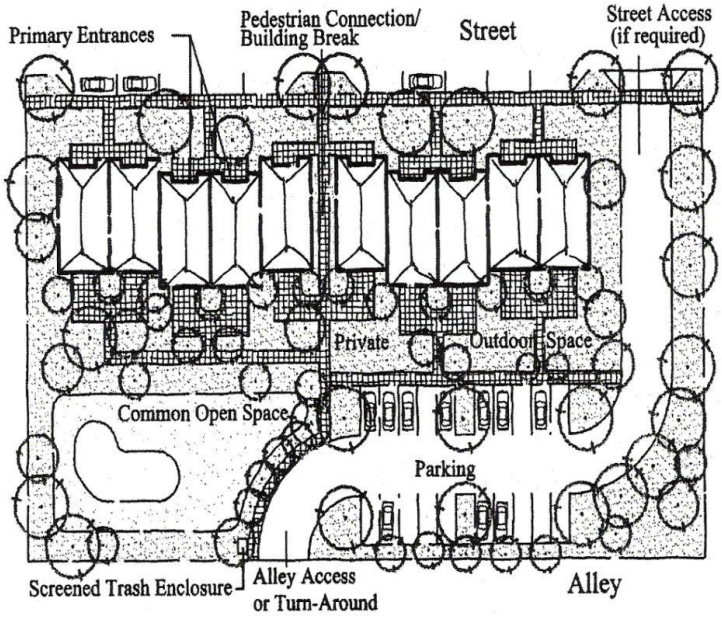
Not included in the maximum height are chimneys, roof equipment, flag poles, and similar features which are not for human occupancy, but may be restricted in height to protect views. Within residential zones, bell towers, steeples, and similar features are included within the maximum height and shall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



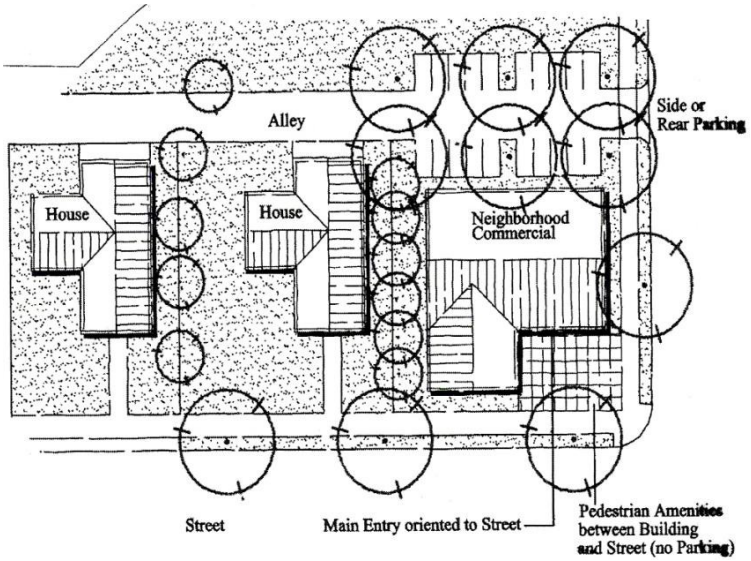
C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 12 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot of side yard separating the two buildings (“y”), as shown above up to a maximum 10' required side yard setback adjacent to the single-story building.

10-2D-9 Building Orientation



Residential Single Family Attached Townhome or Multi-Family Orientation Example



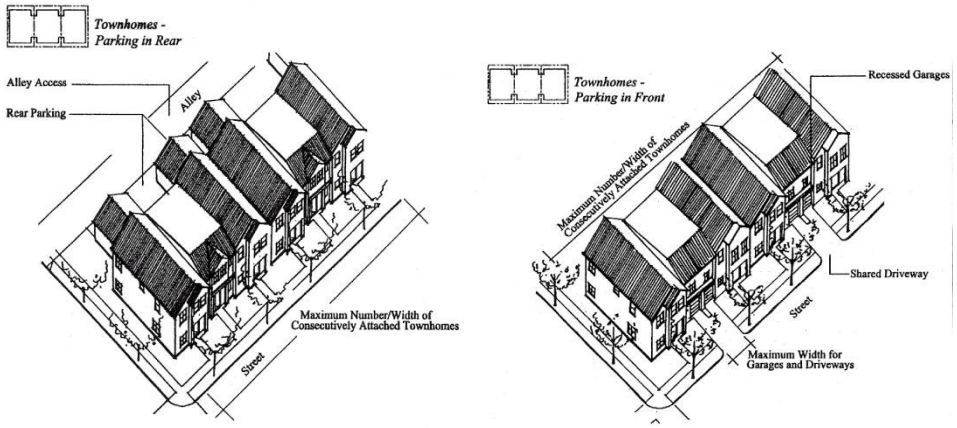
Non-Residential Orientation Example

A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

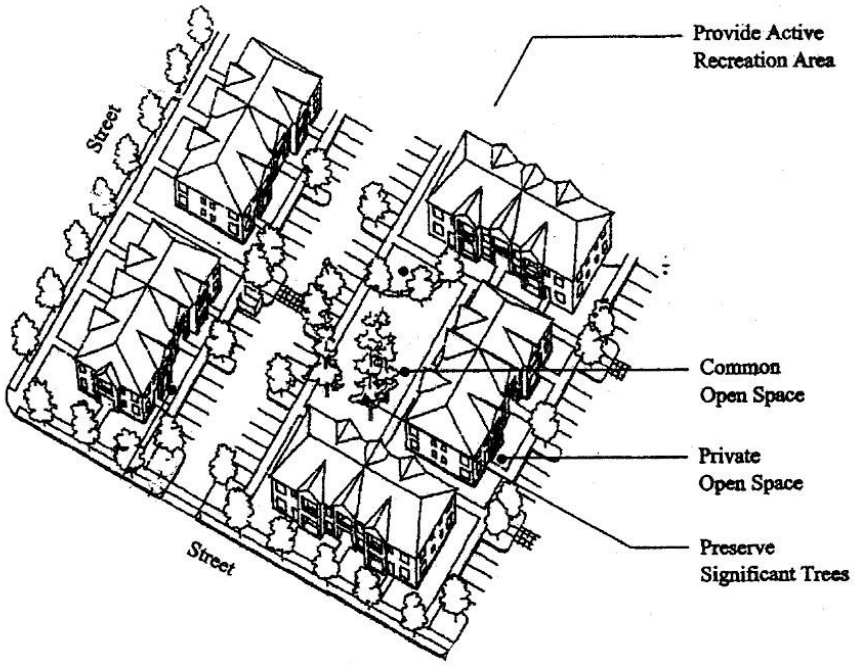
B. Applicability. This section applies to all buildings in the R-3 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the R-3 zone are also required to comply with the standards outlined above in Section 10-2D-3 or 10-2D-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

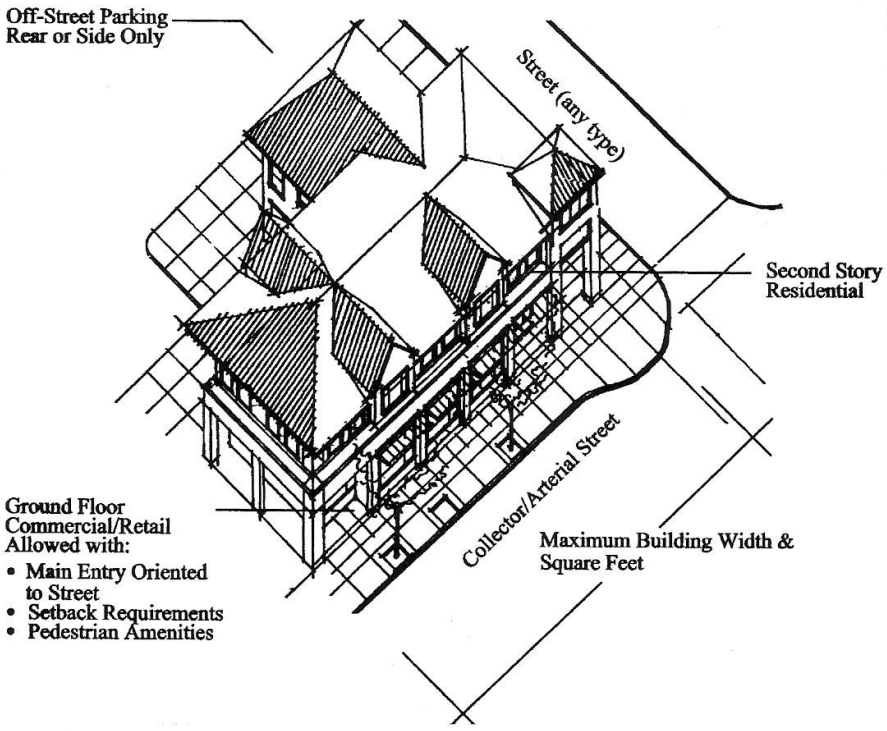
1. Compliance with the setback standards in Section 10-2D-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.



Residential Single Family Attached Townhome Alley and Street Access Examples



Multi-Family Example



Mixed Use / Commercial Orientation Example

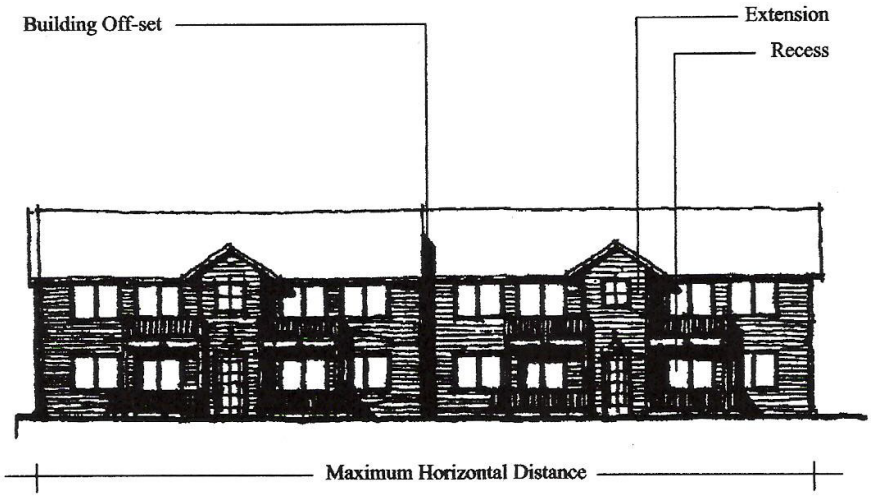
10-2D-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while

affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the R-3 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the R-3 zone are also required to comply with the standards outlined above in Section 10-2D-3 or 10-2D-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Building Form.

   The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

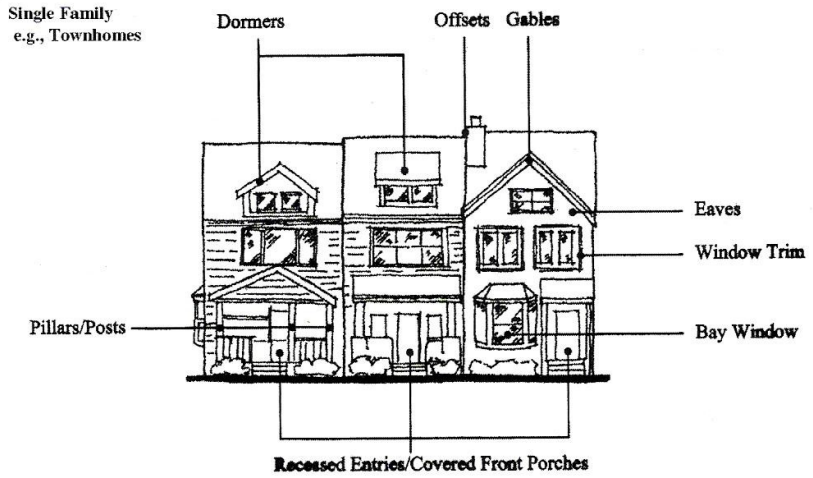
   a. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

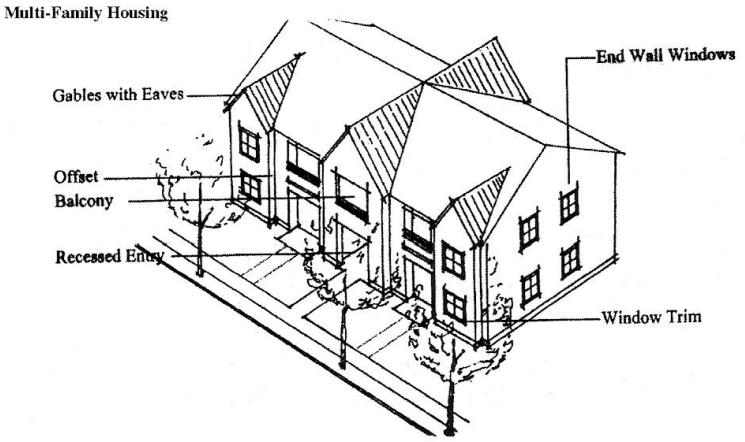
   b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

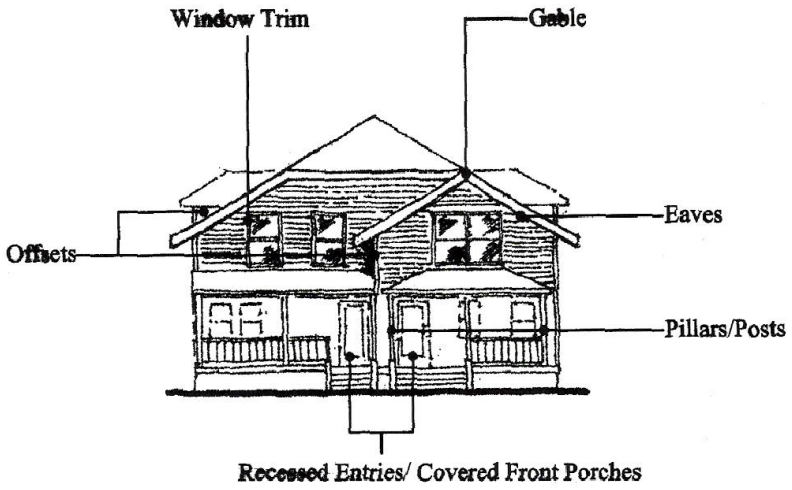
   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Eyes on the Street.

   All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.







3. Detailed Design.

   All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

a. Dormers
b. Gables
c. Recessed entries
d. Covered porch entries
e. Cupolas or towers
f. Pillars or posts
g. Eaves (min. 6-inch projection)
h. Offsets in building face or roof (minimum 16 inches)
i. Window trim (minimum 4-inches wide)
j. Bay windows
k. Balconies
l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
m. Decorative cornices and roof lines (e.g., for flat roofs)
n. An alternative feature providing visual relief, similar to options a-n.

D. Materials. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials apply to new construction projects in the R-3 Zone:

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

f. Vinyl Lap

g. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials
    a. Corrugated Metal
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator

10-2D-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the R-3 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parkin
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2E-1 **Purpose**

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

10-2E-3 **Limited Uses (L)**

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

10-2E-5 **Accessory Structures**

10-2E-6 **Development Setbacks**

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

10-2E-8 **Building Height**

10-2E-9 **Building Orientation**

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

10-2E-11 **Pedestrian and Transit Amenities**

10-2E-12 **Design Standards**

10-2E-1 Purpose

The M-1 (Neighborhood Center Mixed-Use) District is intended to promote the livability, stability, and improvement of the City's neighborhood mixed use areas. This article provides standards for the orderly improvement and expansion of the of the M-1 (Neighborhood Center Mixed-Use) District based on the following principles:

A. Efficient use of land and urban services.

B. A mixture of land uses within the M-1 Zone to encourage walking as an alternative to driving and provide more employment and housing options.

C. A connection to neighborhoods and other employment areas.

D. The M-1 (Neighborhood Center Mixed-Use) District provides both formal and informal community gathering places.

E. Providing an appropriate level of retail and commercial services to the neighborhood.

10-2E-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-1 (Neighborhood Center Mixed-Use) District with the letter "P" are permitted in the M-1 zone, without special action by the Hearing Body, subject to development standards of the M-1 (Neighborhood Center Mixed-Use) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as

"similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2E-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-1 (Neighborhood Center Mixed-Use) District with the letter "L" are allowed in the M-1 zone if they comply with the development standards of the M-1 (Neighborhood Center Mixed-Use) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific M-1 Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
3. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
    c. Mobile sales/ concessions may be located in public right-of-way when associated with a community event with the approval of the adjacent property owner or business.
    d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community

event.

4. **Parking structure**

    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.

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

5. **Temporary construction / sales office**

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

6. **Tower, private**

    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.

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

7. **Animal health services / veterinarian - domestic animals**

    a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.

    b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.

    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.

8. **Participant and spectator sports facilities**

    a. Gun and archery ranges, racetracks, or riding facilities (animal or motorized vehicle oriented), paintball facilities, stadiums, arenas, and water or amusement parks are prohibited.

    b. All lighting shall be directed downward.

    c. A 20-foot minimum landscaped buffer zone shall be required between facility and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer may contain pedestrian seating but shall not contain any lighting, except for low intensity landscape lighting, trash receptacles or storage of equipment, materials, vehicles, etc.

    d. The maximum building footprint area shall be 30,000 square feet or less.

    e. Sidewalks or pathways shall be provided to connect pedestrians from the frontage

street to the building.

9. Banks / financial institutions (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner. (Walk-up only teller machines and kiosks may be oriented to a corner but shall be separate from the drive-thru area).

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary bank building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary bank building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

10. Commercial laundromat & dry-cleaning facility (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary commercial laundromat and dry-cleaning facility building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary commercial laundromat and dry-cleaning facility building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

11. Pharmacy (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary pharmacy building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage

street to the primary pharmacy building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

12. Restaurant / cafe / deli / ice cream parlor (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary restaurant / cafe / deli / ice cream parlor building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary restaurant / cafe / deli / ice cream parlor building.

e. Interior and exterior seating shall be provided.

f. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

13. Post Office

When the post office contains a drive-up, drive-in, or drive-through facility, it shall be subject to the following standards:

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive-in, or drive-through facility, in total, shall occupy less street frontage than the primary post office building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary post office building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

14. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit or mixed-use building.

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

c. The ADU shall be clearly a subordinate part of the principal unit or mixed-use building. In no case shall it be more than 35% of the principal unit's total livable

floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

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

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

15. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

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

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

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

16. Dwelling, multi-family

Multi-family dwellings may only be permitted as a part of a mixed-use development (residential with commercial or other use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed, subject to the following standards:

a. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

b. Parking, garages, and driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in

structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

c. Common areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowner's association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

d. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

e. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drives to the greatest extent practicable;

f. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

g. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

17. Dwelling, single family attached townhomes

Single family attached townhomes should be part of a mixed-use development (residential with commercial or other use). Townhomes shall be subject to the standards in a-h.

a. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

b. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

c. The maximum allowable driveway width facing the street is 24 feet per dwelling

unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

d. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

e. When a subdivision (e.g., five or more town-home lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable.

f. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner's association or other legal entity. A homeowner's association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

18. Emergency Housing & Shelters

a. The facility must be open 24 hours per day, 7 days per week.

b. The maximum number of residents in the facility is limited to the general capacity of the building.

c. Beds or rooms shall be assigned to specific residents.

d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.

e. The facility shall meet any applicable state and federal licensing requirements.

19. Transitional & Supportive Housing, 8 Beds or Less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

20. Transitional & Supportive Housing, More than 8 Beds

a. The facility should be limited to 50 or fewer housing units within a single facility or complex.

b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

c. The facility must be located within ¼ mile of a fixed transit route.

d. The facility shall meet any applicable state and federal licensing requirements.

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

"Zero-lot line" houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of a typical lot and usable outdoor living areas are provided in rear and side-oriented courtyards.

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUD's). The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

a. Zero lot line homes are required to have 6 feet between structures;

b. The Zoning Administrator shall approve the minimum rear and front setbacks, and they shall be drafted on the final PUD Plat;

c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and,

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

22. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

23. Small Wireless Facilities

a. Siting Hierarchy.
    i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.
    ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.
    iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.
b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
c. Must meet design standards as detailed in City Development Code §10-3F-4.
d. Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2E-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-1 (Neighborhood Center Mixed-Use) District with the letters "CU" are permitted to locate in the M-1 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10- 2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10- 2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific M-1 Conditional Uses.

1. **Bed and breakfast inn**
    a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.
    b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.
    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the bed and breakfast inn.
    d. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.
2. **Macro wireless communication antenna array**

    Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

    a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.
    b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.
    c. The applicant shall meet and provide documentation that all applicable requirements of FCC, FAA, and any required aviation easements have been satisfied.
    d. The applicant shall perform and provide documentation of a visual simulation of the site plan.

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2E-5 Accessory Structures

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

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

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

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

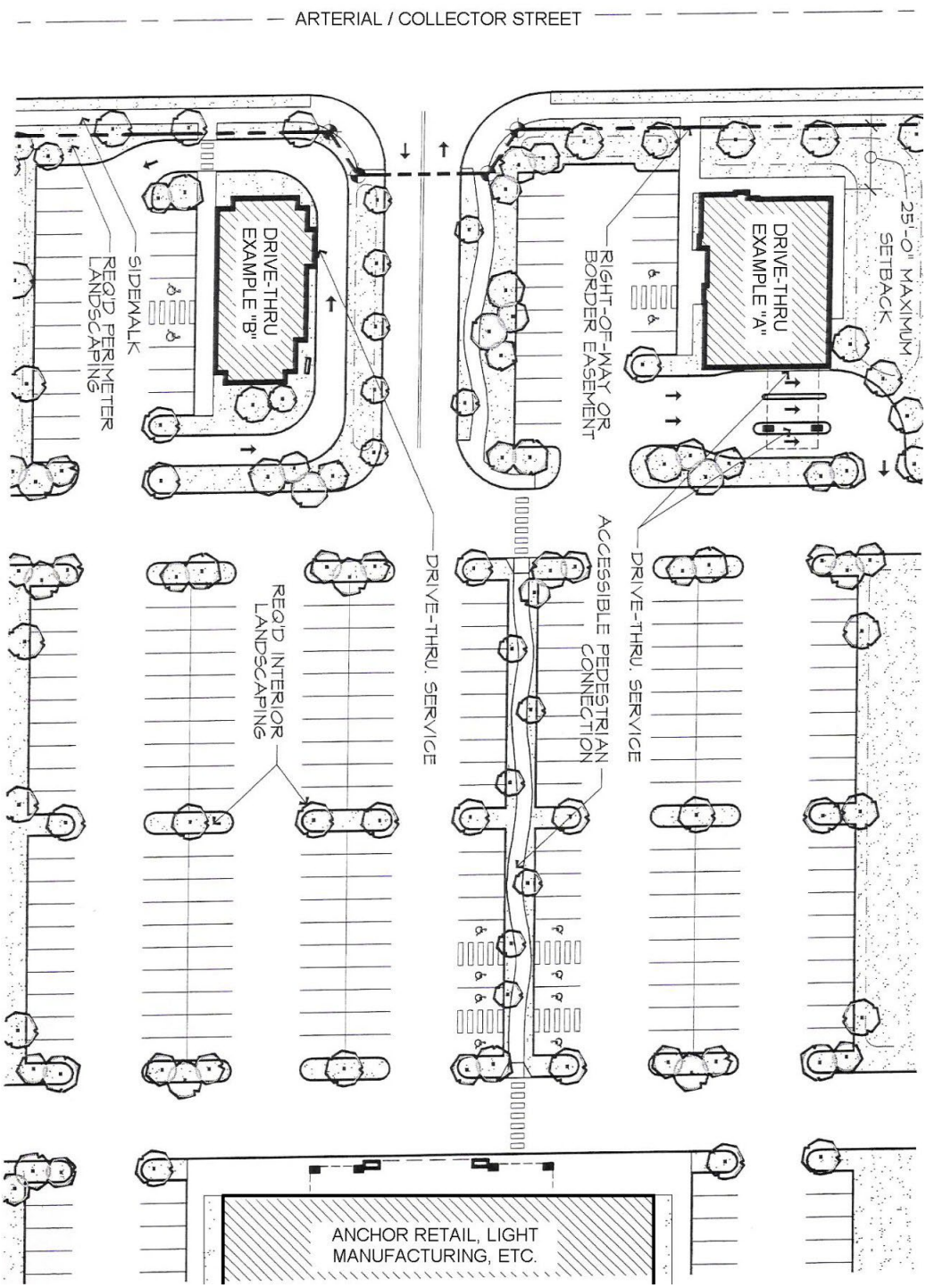
D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2E-6, 10- 2E-7, 10-2E-8, 10-2E-9, 10-2E-10, 10-2E-11, and 10-2E-12), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2E-6 Development Setbacks

In the M-1 (Neighborhood Center Mixed-Use) District, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards encourage placement of buildings close to the street to create a vibrant pedestrian environment, to slow traffic down, to provide a storefront character to the street, and to encourage walking. The standards also encourage the formation of solid blocks of buildings to create a walkable environment.

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.



A. Front Yard Setbacks

1. There is no minimum front yard setback required.
2. The maximum allowable front yard setback is 25 feet. This standard is met when a minimum of 25 percent of the front building elevation is placed no more than 25 feet back from the front property line, or the back of the border easement, as applicable. However, no structures shall be constructed within any easements. On parcels with more than one

building, this standard applies to the building located closest to the front property line. For developments where more than one building or development pad is proposed, the building located furthest from the right-of-way shall have no maximum front yard setback and parking may be located between the buildings furthest from the right-of-way.

The maximum setback may be increased if the increased setback is used for the following pedestrian or aesthetic amenities associated with the building use (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, courtyard, etc. or additional front yard landscaping).

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet for street-access lots, and 8 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking (except for accessory structures).
2. Accessory structures:
    a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.
    b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.
3. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” may apply.

C. Side Yard Setbacks

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Setback Exceptions

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Building Code and Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat, or final binding site plan.
2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

M-1 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
Attached (townhome) Single Family Housing	Minimum area: 2000 square feet Maximum area: 5000 square feet	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density:6 dwelling units per acre Maximum Net Density: None
Multi-Family Housing	Minimum area: 7000 square feet. Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Other Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

10-2E-8 Building Height



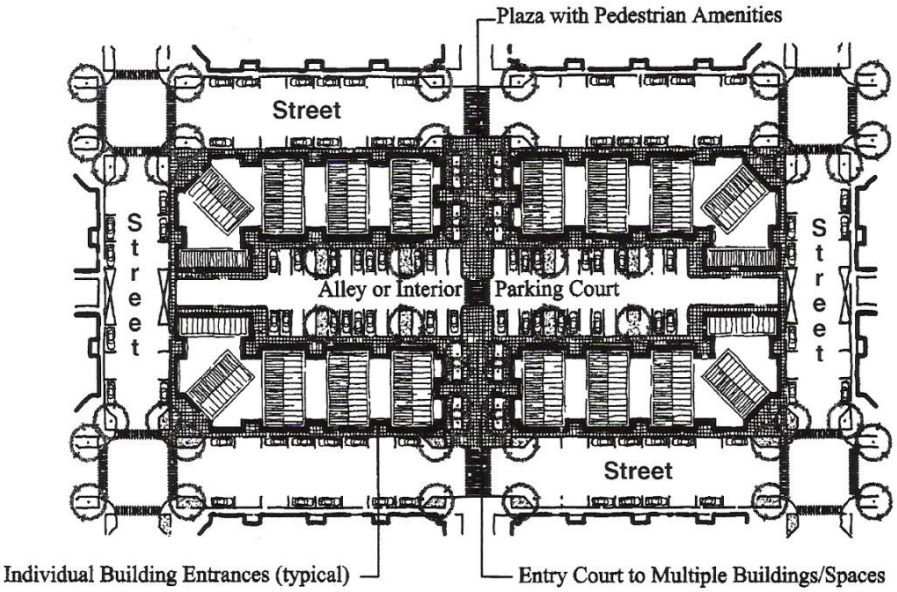
All buildings in the M-1 (Neighborhood Center Mixed-Use) District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a pedestrian friendly character:

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2E-9 Building Orientation



Block Layout Example

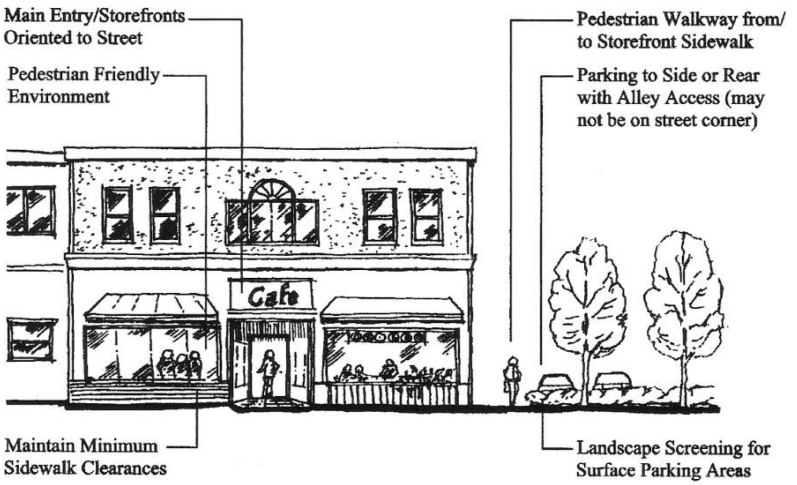
A. Purpose. This section is intended to promote the walkable, pedestrian friendly character of the M-1 (Neighborhood Center Mixed-Use) District by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed and illustrated below, compliment the front yard setback standards in Section 10-2E-6 above.

B. Applicability. This section applies to all buildings in the M-1 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the M-1 zone are also required to comply with the standards outlined above in Section 10-2E-3 or 10-2E-4. Buildings that do not require site design review are encouraged to incorporate these standards.

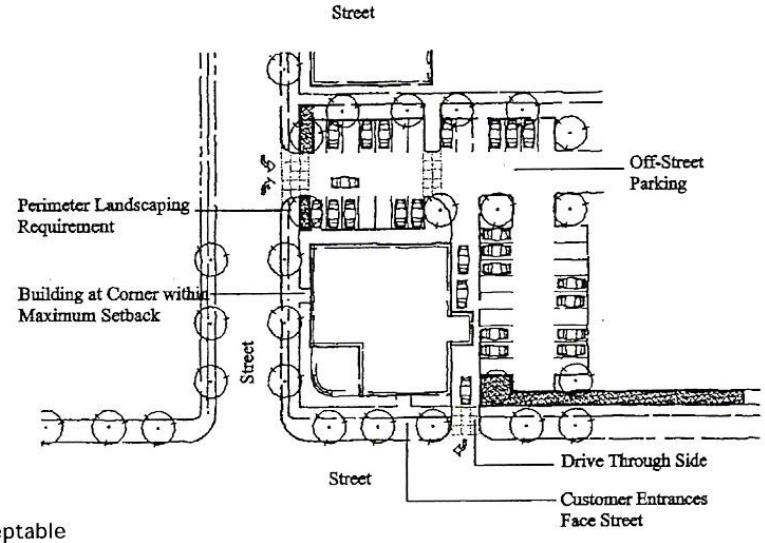
C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2E-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. At least one entrance shall be provided not more than 50 feet from the closest sidewalk, street, or pedestrian path, as depicted in the graphic in Section 10-2E-6 above.

3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.



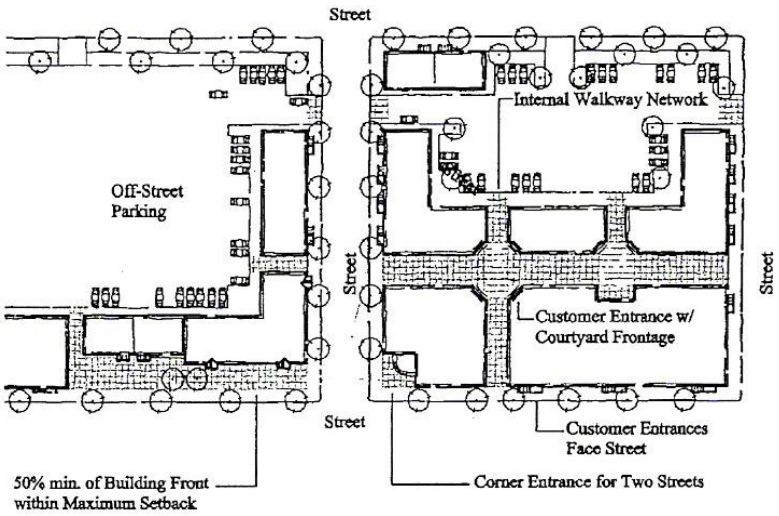
Mixed Use Building Orientation Example



Acceptable

Site layout for drive through uses should place parking and driveways away from pedestrian areas.

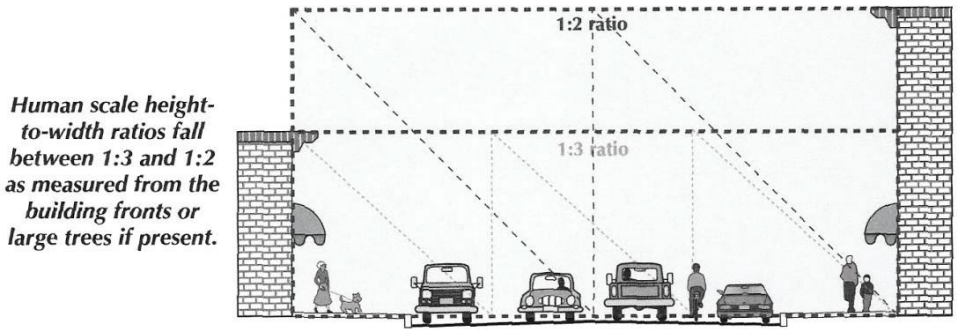
Orientation Examples for Businesses with a Drive-Thru



Mixed Use Site Layout Example

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

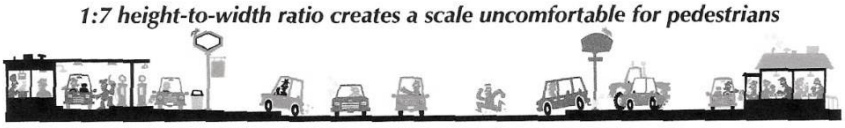
10-2E-10 Architectural Guidelines and Special Standards



1:3 height-to-width ratio creates a human scale Main Street



1:7 height-to-width ratio creates a scale uncomfortable for pedestrians

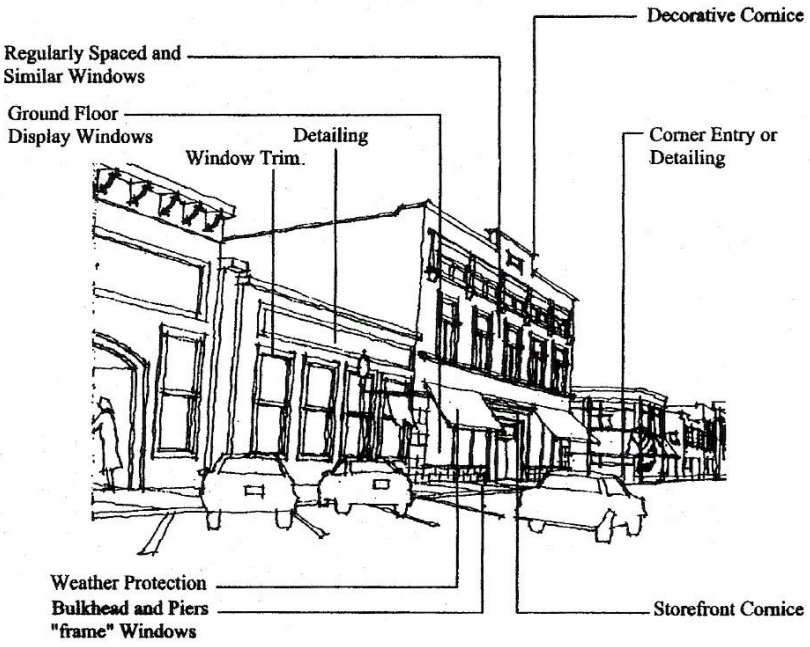


A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the M-1 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-1 zone are also required to

comply with the standards outlined above in Section 10-2E-3 or 10-2E-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design and provide protection for pedestrians.

   b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories). Buildings that are unable to provide regularly spaced and similar-shaped windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons, may not be required to meet this standard; however, alternatives to break up blank walls shall be provided.

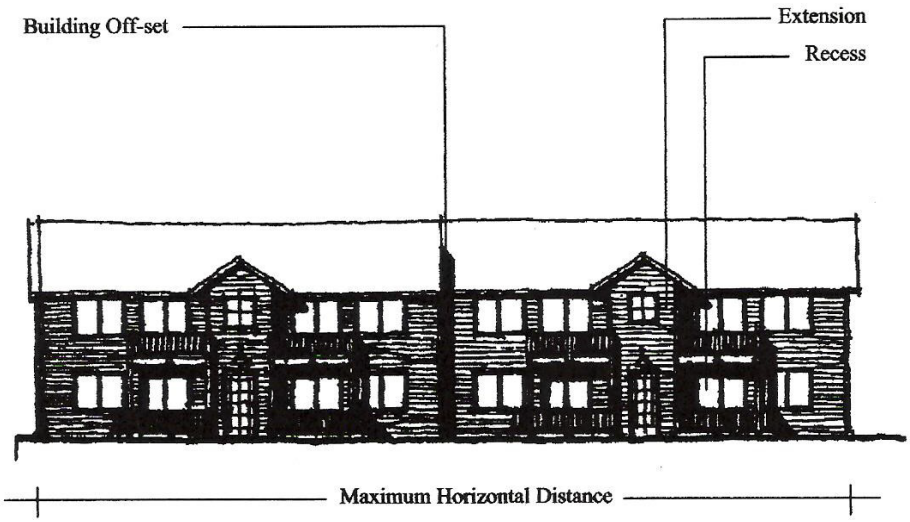
   c. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground floor from second story, as shown above). Buildings that are unable to provide large display windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons may not be

required to meet this standard; however, alternatives to break up blank walls shall be provided.

d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

e. All residential buildings subject to site design review shall also comply with "2" below.

2. Residential Buildings.



a. The continuous horizontal distance (i.e., as measured from end-wall to end- wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

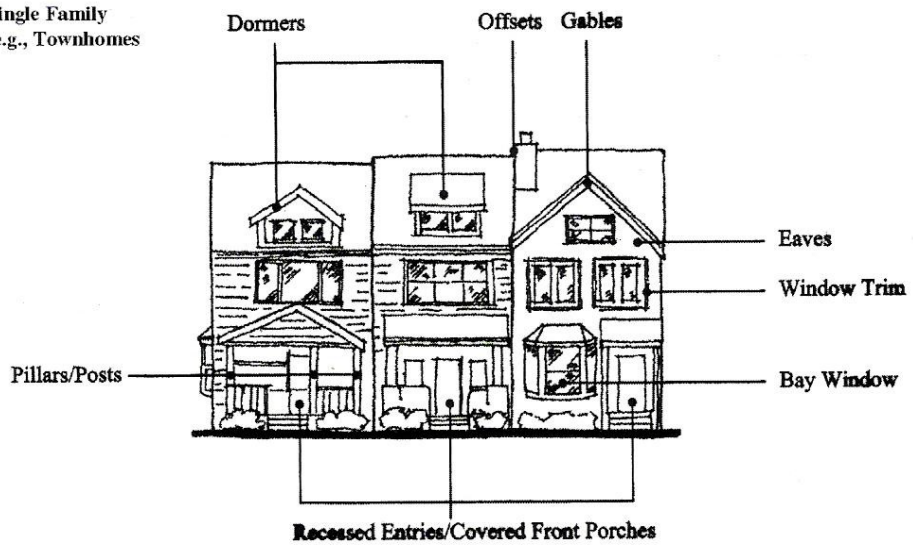
   i. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

   ii. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

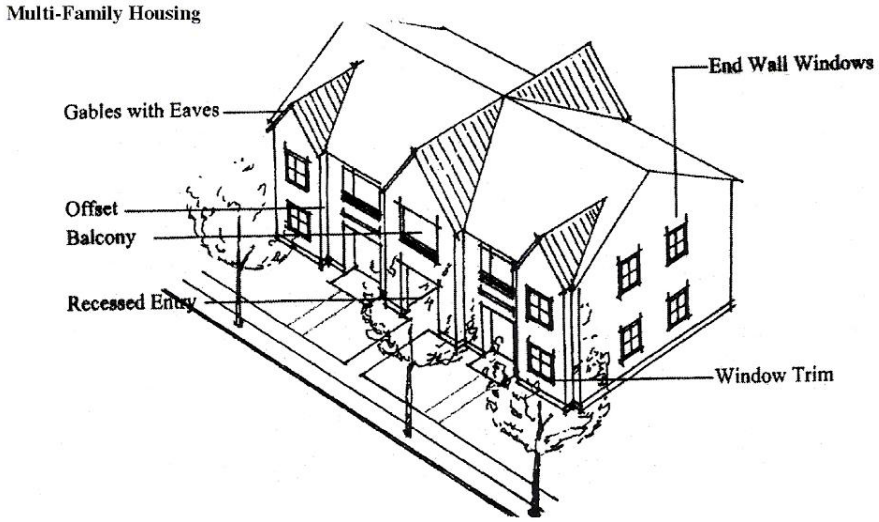
   iii. Offsets or breaks in roof elevation of 2 feet or greater in height.

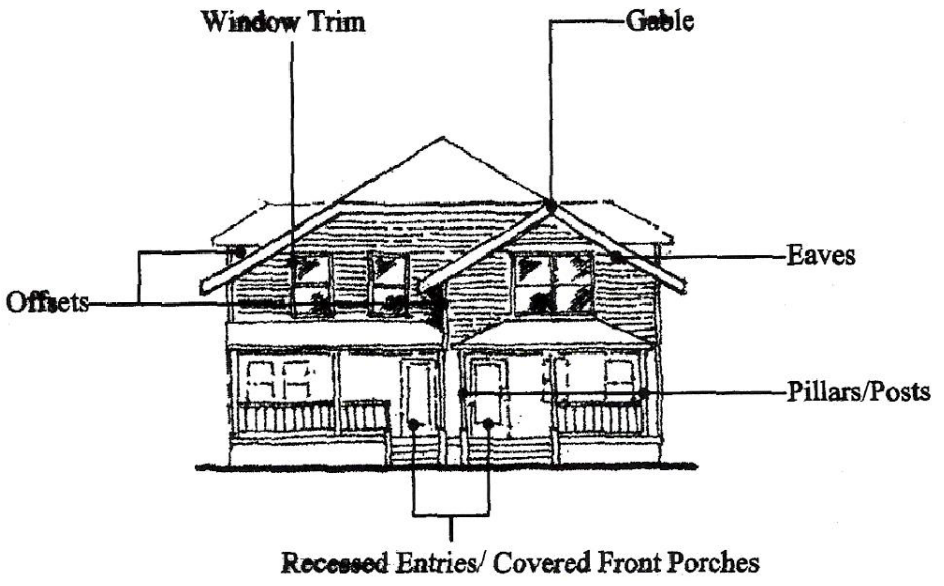
b. All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.

Single Family
e.g., Townhomes



Multi-Family Housing





c. Residential buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

i. Dormers

ii. Gables

iii. Recessed entries

iv. Covered porch entries

v. Cupolas or towers

vi. Pillars or posts

vii. Eaves (min. 6-inch projection)

viii. Offsets in building face or roof (minimum 16 inches)

ix. Window trim (minimum 4-inches wide)

x. Bay windows

xi. Balconies

xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

xiii. Decorative cornices and roof lines (e.g., for flat roofs)

xiv. An alternative feature providing visual relief, similar to the above options.

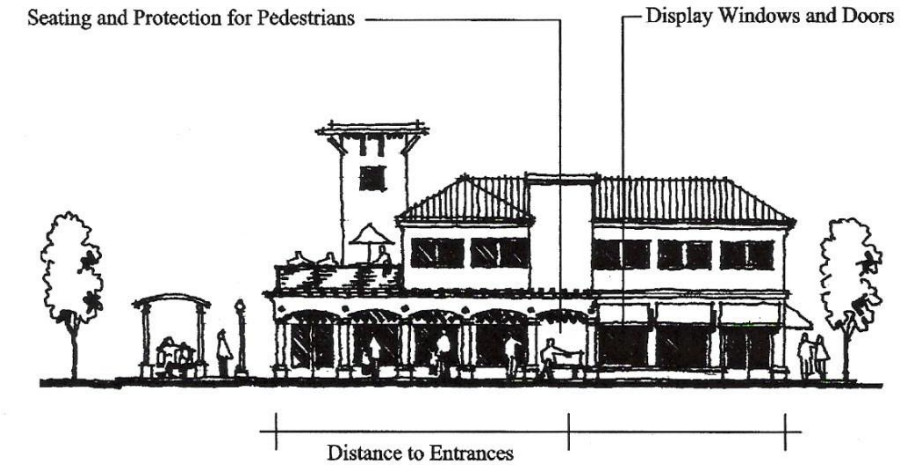
3. Design of Large-Scale Buildings and Developments.

All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground- floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown below is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to

the street right-of-way, in conformance with Article 10- 3B - Access and Circulation and Section 10-2E-9, subsection C above.



D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the M-1 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake
    h. Other materials determined acceptable by the Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Concrete Block - split faced, smooth (non-residential structures only)
    e. Concrete Tilt-Up (non-residential structures only)
    f. Wood

g. Vinyl - tile or shake only
h. Metal - tile or shake only
i. Painted corrugated metal (only with detailing)
j. Other materials determined acceptable by the Zoning Administrator

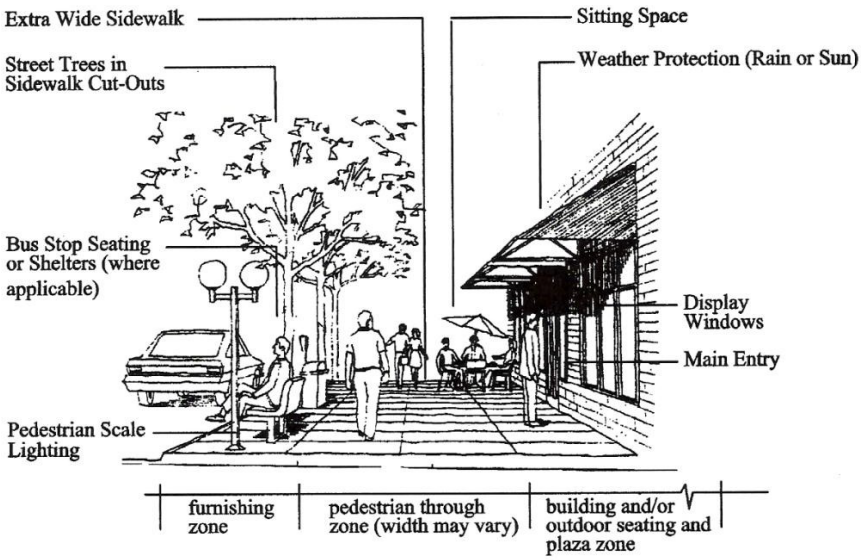
4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. Vinyl Lap (may be used when combined with detailing noted below)
5. Detailing
   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Other materials determined acceptable by the Zoning Administrator
6. Colors
   a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
   b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
   c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2E-11 Pedestrian and Transit Amenities

A. Purpose. This section is intended to complement the building orientation standards in Section 10-2E-9 above, and the street standards in Articles 10-3B and 10-3G, by providing comfortable and inviting pedestrian spaces within the M-1 (Neighborhood Center Mixed-Use) District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment, and contribute to a walkable district.

B. Applicability. This section applies to all buildings in the M-1 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-1 zone are also required to comply with the standards outlined above in Section 10-2E-3 or 10-2E-4.

Buildings that do not require site design review are encouraged to incorporate these standards.



C. Guidelines and Standards. Every development shall provide one or more of the "pedestrian amenities" listed below and illustrated above. Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the City

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 12 feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by Spokane Transit Authority (STA).

10-2E-12 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the M-1 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards

6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2F-1 **Purpose**

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

10-2F-3 **Limited Uses (L)**

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

10-2F-5 **Accessory Structures**

10-2F-6 **Development Setbacks**

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

10-2F-8 **Building Height**

10-2F-9 **Building Orientation**

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

10-2F-11 **Pedestrian and Transit Amenities**

10-2F-12 **Design Standards**

10-2F-1 Purpose

The M-2 (Community Center Mixed-Use) District is intended to promote the livability, stability, and improvement of the City's community center mixed-use areas. This article provides standards for the orderly improvement and expansion of the M-2 (Community Center Mixed- Use) District based on the following principles:

A. Efficient use of land and urban services.

B. A mixture of land uses within the M-2 Zone to encourage walking as an alternative to driving and provide more employment and housing options.

C. A connection to neighborhoods and other employment areas.

D. Provide visitor accommodations and tourism amenities.

E. Transit-oriented development reduces reliance on the automobile and parking needs.

F. The M-2 (Community Center Mixed-Use) District provides both formal and informal community gathering places.

G. Providing retail and commercial services to the surrounding neighborhoods and community.

10-2F-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-2 (Community Center Mixed-Use) District with the letter "P" are permitted in the M-2 zone, without special action by the Hearing Body, subject to development standards of the M-2 (Community Center Mixed-Use) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2F-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-2 (Community Center Mixed-Use) District with the letter "L" are allowed in the M-2 zone if they comply with the development standards of the M-2 (Community Center Mixed-Use) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10- 2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10- 2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific M-2 Limited Uses.

1. **Agriculture (actively farmed)**
    a. Existing uses only, new agriculture (actively farmed) uses not permitted.
2. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
3. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
4. **Large-scale retail establishments**
    a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:

i. New construction;

ii. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or

iii. A remodel of a building(s) with square footage that is equal or greater than the square footages defined for Large-scale retail establishments within these standards and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake.

iv. Exceptions - Waivers to these standards may be granted through a Class A Variance process under the following circumstances and in accordance with the chart below:

aa. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or

bb. A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or

cc. The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and

dd. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional

x = Portions of the standards may be waived in accordance with Exceptions

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

i. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large-scale retail establishment from occupying the vacated building);

ii. The property owner agrees to provide a notice of closure to the Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and

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

c. Pedestrian & Bicycle Circulation / Facilities

i. Ten (10) foot wide sidewalks will be required across the front of all buildings or wherever public access areas are located around the building;

ii. Distinct pedestrian crossing markers or changes in surfacing must be used; and

iii. Publicly accessible focal points with features such as a patio /seating area are required.

d. Shopping Cart Storage & Return Stations - When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted, and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations.

i. Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;

ii. Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas;

iii. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at any time; and

iv. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.

e. Outdoor Storage Uses & Service / Loading Areas –

i. Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;

ii. Areas for truck parking, trash collection or compaction, loading, or other

such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;

iii. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and

iv. When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.

f. Outdoor Display / Sales Areas & Accessory Uses

i. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;

ii. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Zoning Administrator or permitted through a Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;

iii. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;

iv. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;

v. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and

vi. Temporary sales / displays, such as Christmas trees, landscape materials, etc. shall be reviewed and approved by the Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

g. Adaptability for Reuse / Compartmentalization / Redevelopment - It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:

i. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;

ii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and

iii. Landscaping schemes that complement the multiple entrance design.

5. Mobile sales / concessions

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

b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.

c. Mobile sales/ concessions may be located in public right-of-way when associated with a community event with the approval of the adjacent property owner or business.

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

6. Parking structure

a. Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.

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

7. Temporary construction / sales office

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

8. Tower, private

a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.

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

9. Animal health services / veterinarian - domestic animals

a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.

b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.

10. Automobile parts sales (retail)

a. The automobile parts sales store shall be contained within an enclosed building which does not exceed 10,000 square feet or 100 feet of street frontage, whichever is less.

b. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the automobile parts sales building.

11. Participant & spectator sports facilities

a. Gun and archery ranges, racetracks, or riding facilities (animal or motorized vehicle oriented), paintball facilities, stadiums, arenas, and water or amusement parks are prohibited.

b. All lighting shall be directed downward.

c. A 20-foot minimum landscaped buffer zone shall be required between facility and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer may contain pedestrian seating but shall not contain any lighting, except for low intensity landscape lighting, trash receptacles or storage of equipment, materials, vehicles, etc.

d. The maximum building footprint area shall be 30,000 square feet or less.

e. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the building.

12. Banks / financial institutions (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner. (Walk-up only teller machines and kiosks may be oriented to a corner but shall be separate from the drive-thru area).

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary bank building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary bank building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

13. Commercial laundromat & dry-cleaning facility (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary

structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary commercial laundromat and dry-cleaning facility building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary commercial laundromat and dry-cleaning facility building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

14. Pharmacy (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary pharmacy building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary pharmacy building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

15. Restaurant / cafe / deli / ice cream parlor (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary restaurant / cafe / deli / ice cream parlor building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary restaurant / cafe / deli / ice cream parlor building.

e. Interior and exterior seating shall be provided.

f. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

16. Sports Bar

a. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the Sports Bar.

b. Design and compatibility with neighborhood character shall be considered in the approval process.

17. Tavern / pub / liquor store

a. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the tavern / pub / liquor store.

b. Design and compatibility with neighborhood character shall be considered in the approval process.

18. Maintenance / public works facility

a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

19. Post Office

When the post office contains a drive-up, drive-in, or drive-through facility, it shall be subject to the following standards:

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary post office building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary post office building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

20. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit or mixed-use building.

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

c. The ADU shall be clearly a subordinate part of the principal unit or mixed-use building. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

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

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

21. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

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

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

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

22. Dwelling, multi-family

Multi-family dwellings may only be permitted as a part of a mixed-use development (residential with commercial or other use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed, in accordance with the following standards: a. Projects shall provide an equivalent square footage of non- residential uses within the permit application packet.

a. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

b. Parking, garages, and driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

c. Common areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowner’s association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

d. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

e. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drives to the greatest extent practicable;

f. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

g. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

23. Dwelling, single family attached townhomes

Single family attached townhomes should be part of a mixed-use development (residential with commercial or other use). Townhomes shall be subject to the standards in a-h.

a. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

b. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

c. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

d. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

e. When a subdivision (e.g., five or more town-home lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable.

f. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner’s association or other legal entity. A homeowner’s association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

24. Emergency Housing & Shelters

a. The facility must be open 24 hours per day, 7 days per week.

b. The maximum number of residents in the facility is limited to the general capacity of the building.

c. Beds or rooms shall be assigned to specific residents.

d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.

e. The facility shall meet any applicable state and federal licensing requirements.

25. Transitional & Supportive Housing, 8 Beds or Less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

26. Transitional & Supportive Housing, More than 8 Beds

a. The facility should be limited to 50 or fewer housing units within a single facility or complex.

b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

c. The facility must be located within ¼ mile of a fixed transit route.

d. The facility shall meet any applicable state and federal licensing requirements.

27. Zero lot line (single family courtyard homes)

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

a. Zero lot line homes are required to have 6 feet between structures;

b. The Zoning Administrator shall approve the minimum rear and front setbacks, and they shall be drafted on the final PUD Plat;

c. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of

construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lots; and

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

28. Light manufacturing and assembly

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. On parcels abutting an arterial or collector street, the facility shall only be permitted if design techniques are used to minimize perceived building mass and achieve architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the architectural guidelines and special standards in Section 10-2F-10 below and will normally include terracing of upper floors and modulation of front facades.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

29. Light manufacturing and assembly w/ retail sales showroom

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. Retail sales showroom shall comprise at least 5% of the gross floor area of the light manufacturing and assembly portion of the building, in return, a 5% reduction in the required parking shall be granted.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

30. Woodworking / cabinet manufacturing w/ retail sales showroom

a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

b. Retail sales showroom shall comprise at least 5% of the gross floor area of the manufacturing portion of the building, in return, a 5% reduction in the required parking shall be granted.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the woodworking / cabinet manufacturing building.

31. Wholesaling / distribution facility

a. The Wholesaling / distribution facility use shall be completely enclosed within a building.

b. Wholesaling / distribution facilities shall be spaced a distance of 150 linear feet apart along the same street frontage and shall not be located on parcels that abut Country Vista Blvd., Mission Ave., or Harvard.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the Wholesaling / distribution facility building.

32. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

33. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2F-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-2 (Community Center Mixed-Use) District with the letters “CU” are permitted to locate in the M-2 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific M-2 Conditional Uses.

1. **Bed and breakfast inn**

    a. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

    b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the bed and breakfast inn.

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

2. **Macro wireless communication antenna array**

    Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

    a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

    b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

    g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

    h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

    i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site,

or when the technology becomes obsolete and is no longer utilized.

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

10-2F-5 Accessory Structures

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

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

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

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

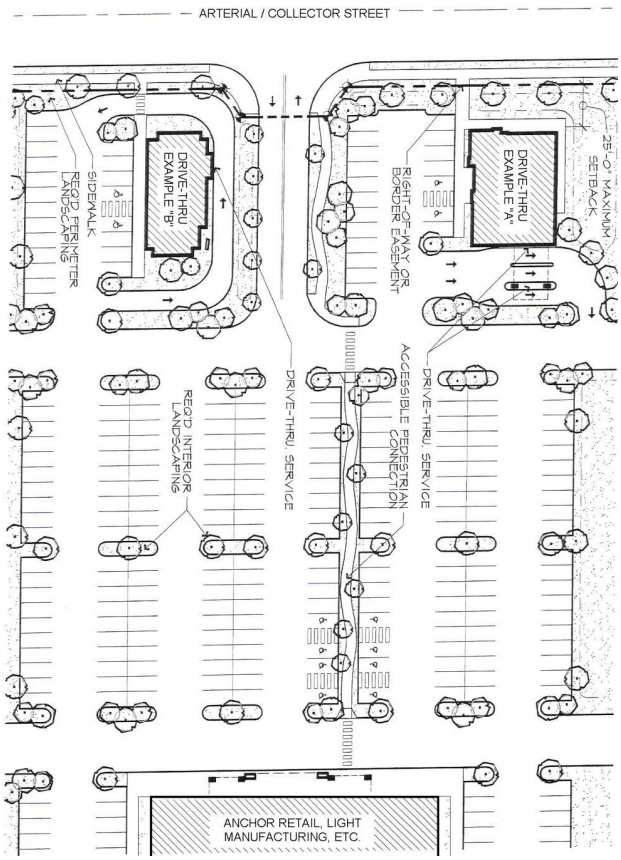
D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2F-6, 10- 2F-7, 10-2F-8, 10-2F-9, 10-2F-10, 10-2F-11, and 10-2F-12), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2F-6 Development Setbacks

In the M-2 (Community Center Mixed-Use) District, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards encourage placement of buildings close to the street to create a vibrant pedestrian environment, to slow traffic down, to provide a storefront character to the street, and to encourage walking. The standards also encourage the formation of solid blocks of buildings to create a walkable environment.

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.



A. Front Yard Setbacks

1. There is no minimum front yard setback required.
2. The maximum allowable front yard setback is 25 feet. This standard is met when a minimum of 25 percent of the front building elevation is placed no more than 25 feet back from the front property line, or the back of the border easement, as applicable. However, no structures shall be constructed within any easements. On parcels with more than one building, this standard applies to the building located closest to the front property line. For developments where more than one building or development pad is proposed, the building located furthest from the right-of-way shall have no maximum front yard setback and parking may be located between the buildings furthest from the right-of-way.
3. The maximum setback may be increased if the increased setback is used for the following pedestrian or aesthetic amenities associated with the building use (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, courtyard, etc. or additional front yard landscaping).

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet for street-access lots, and 8 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking (except for accessory structures).
2. Accessory structures:
    a. Structures 120 square feet or under may be located on the rear and side property

lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.

b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.

3. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" shall apply.

C. Side Yard Setbacks

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Setback Exceptions

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Building Code and Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10- 3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat, or final binding site plan.

2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches

above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

M-2 Land Use	*Lot Area*	*Lot Width / Depth*	*Lot Coverage*	*Residential Density*
Attached (townhome) Single Family Housing	Minimum area: 1500 square feet Maximum area: 5000 square feet	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 6 dwelling units per acre Maximum Net Density: None
Multi-Family Housing	Minimum area: 7000 square feet. Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Other Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

10-2F-8 Building Height



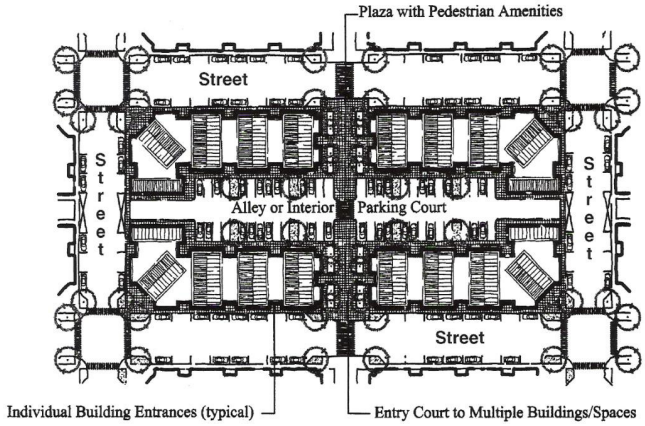
All buildings in the M-2 (Community Center Mixed-Use) District shall comply with the following building height standards. The standards are intended to allow for development of appropriately- scaled buildings with a pedestrian friendly character:

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2F-9 Building Orientation

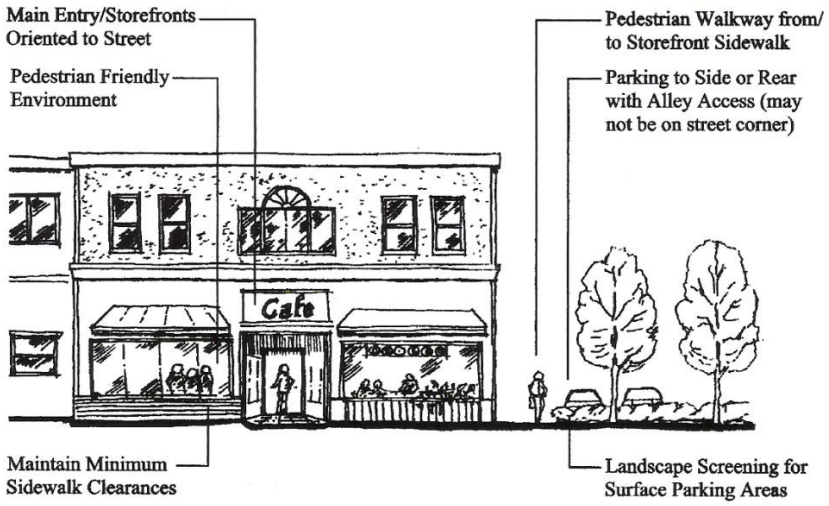


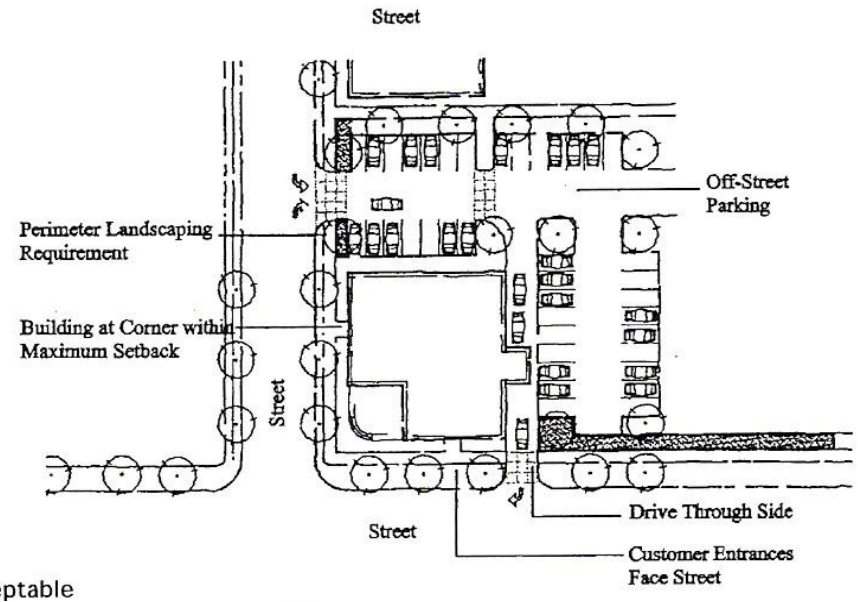
A. Purpose. This section is intended to promote the walkable, pedestrian friendly character of the M-2 (Community Center Mixed-Use) District by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed and illustrated below, compliment the front yard setback standards in Section 10-2F-6 above.

B. Applicability. This section applies to all buildings in the M-2 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the M-2 zone are also required to comply with the standards outlined above in Section 10-2F-3 or 10-2F-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2F-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. At least one entrance shall be provided not more than 50 feet from the closest sidewalk, street, or pedestrian path, as depicted in the graphic in Section 10-2F-6 above.
3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible; parking, driveways, and other vehicle areas shall be prohibited between buildings and street corners.

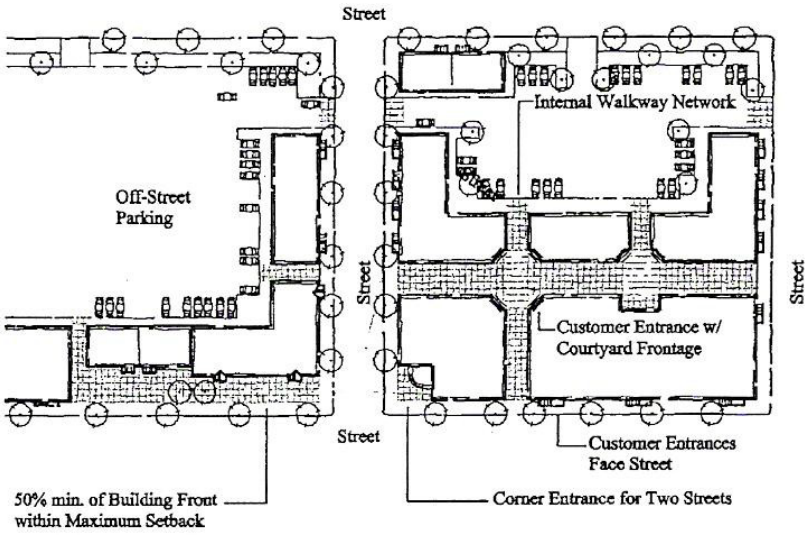




Acceptable

Site layout for drive through uses should place parking and driveways away from pedestrian areas.

Orientation Examples for Businesses with a Drive-Thru



Mixed Use Site Layout Example

5. Large-scale retail establishments

    a. Large-scale retail establishments shall not be located on corner lots, unless smaller buildings (less than 50,000 gross square feet) are located between the large-scale retail establishment and the street.

    b. Outparcels with non-large-scale retail establishments must be located between large-scale retail establishments and an arterial or collector street.

    c. Access & Traffic

i. Large-scale retail establishments must have at least two approaches with the main approach located on an arterial or collector street;

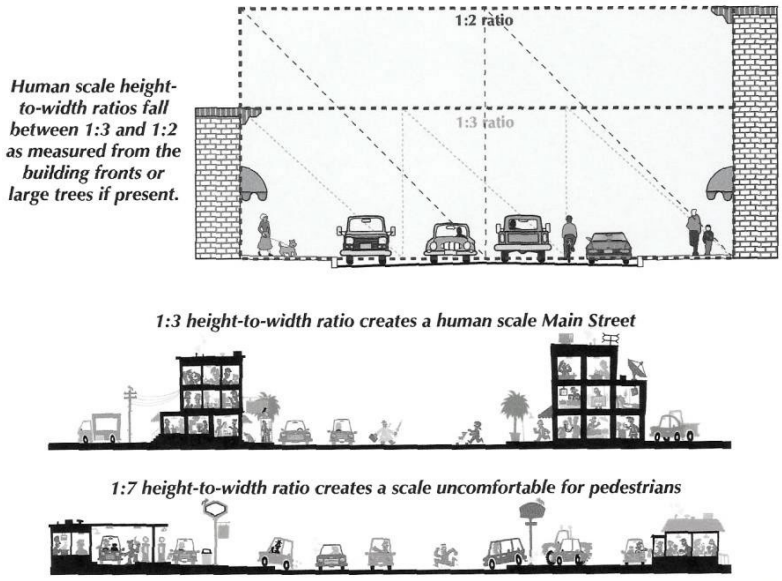
ii. Vehicle access must be designed to accommodate peak traffic volumes;

iii. Site layout must provide access connections to adjacent parcels / uses; and

iv. Off-street parking, drives, and other vehicular areas cannot be placed between buildings and streets, if prohibited by the Development Code for the zone.

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

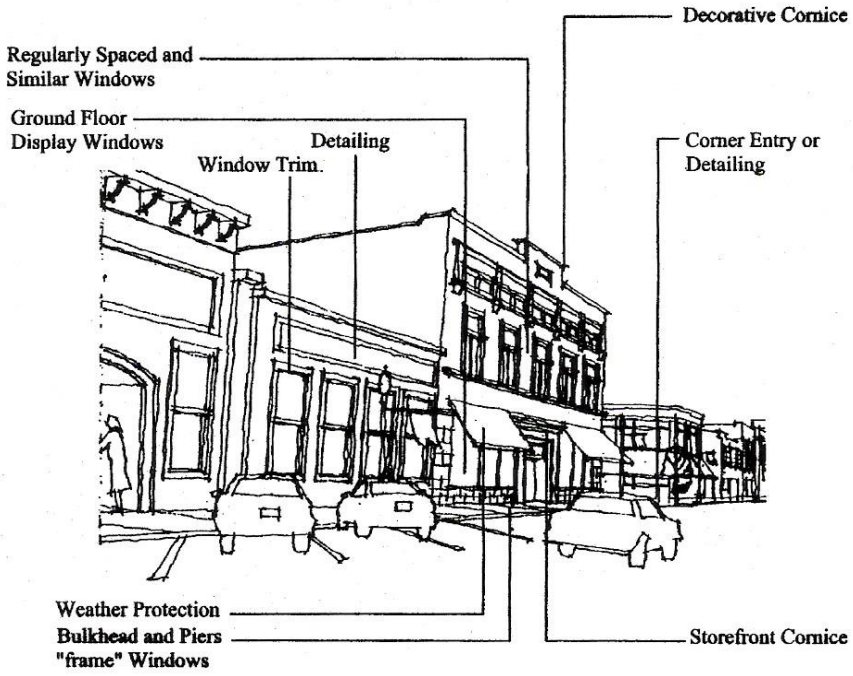
10-2F-10 Architectural Guidelines and Special Standards



A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the M-2 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-2 zone are also required to comply with the standards outlined above in Section 10-2F-3 or 10-2F-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design and provide protection for pedestrians.

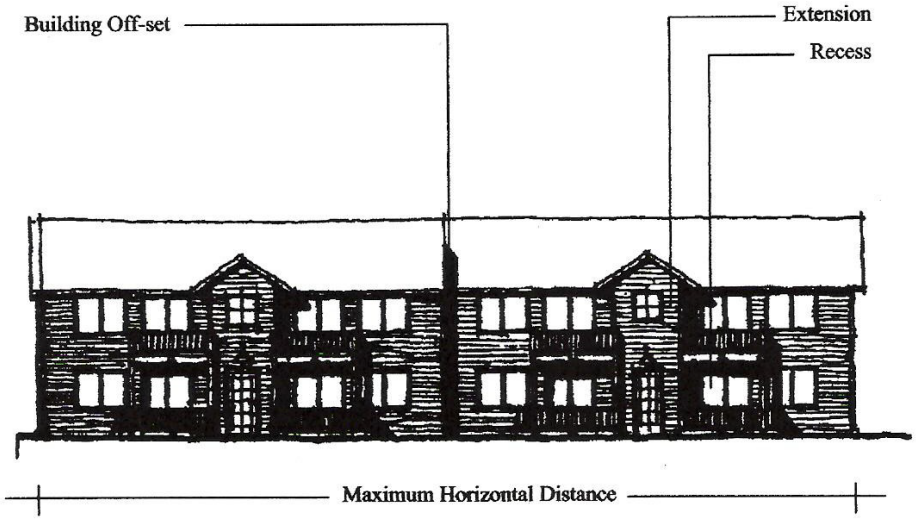
   b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories). Buildings that are unable to provide regularly spaced and similar-shaped windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons, may not be required to meet this standard; however, alternatives to break up blank walls shall be provided.

   c. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground floor from second story, as shown above). Buildings that are unable to provide large display windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons may not be required to meet this standard; however, alternatives to break up blank walls shall be provided.

   d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

   e. All residential buildings subject to site design review shall also comply with "2" below.

2. Residential Buildings.



a. The continuous horizontal distance (i.e., as measured from end-wall to end- wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

    i. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

    ii. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

    iii. Offsets or breaks in roof elevation of 2 feet or greater in height.

b. All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.

c. Residential buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

    i. Dormers

    ii. Gables

    iii. Recessed entries

    iv. Covered porch entries

    v. Cupolas or towers

vi. Pillars or posts

vii. Eaves (min. 6-inch projection)

viii. Offsets in building face or roof (minimum 16 inches)

ix. Window trim (minimum 4-inches wide)

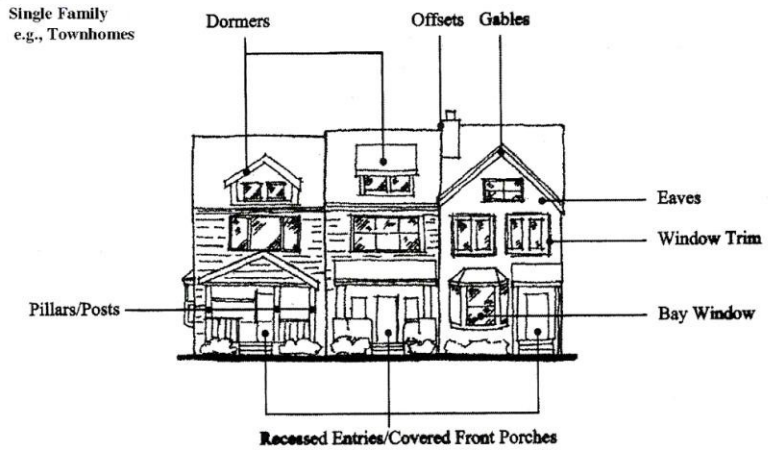
x. Bay window

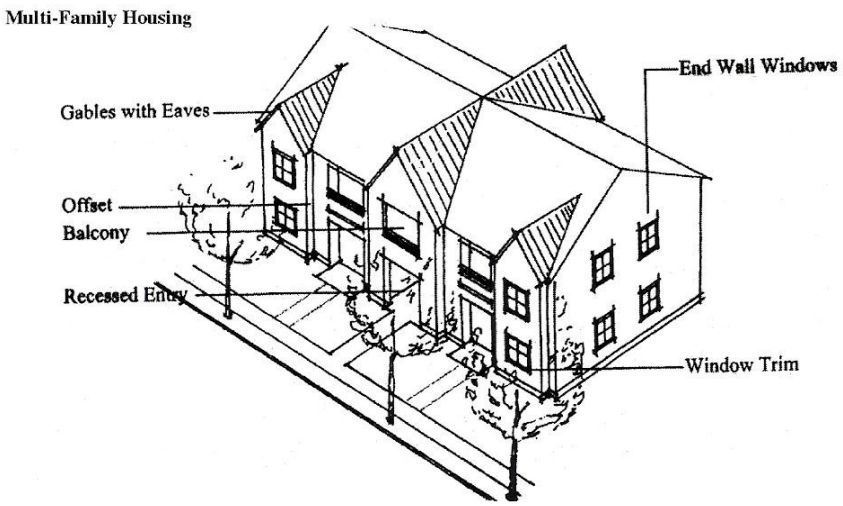
xi. Balconies

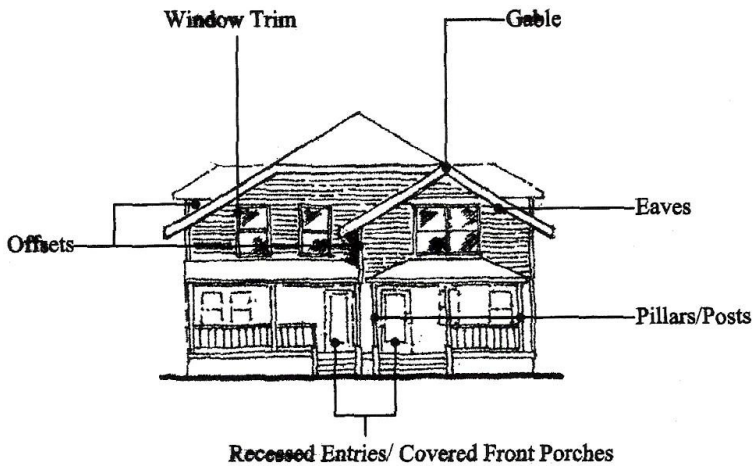
xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

xiii. Decorative cornices and roof lines (e.g., for flat roofs)

xiv. An alternative feature providing visual relief, similar to the above options.





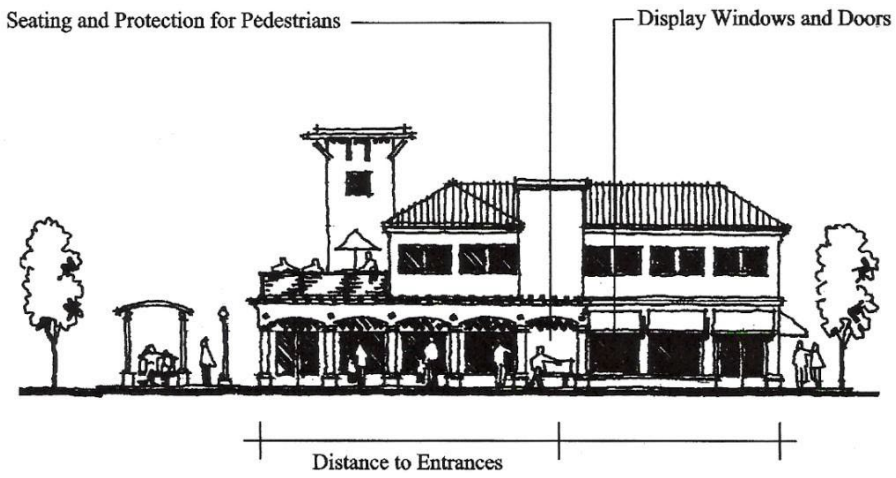


3. Design of Large-Scale Buildings and Developments.

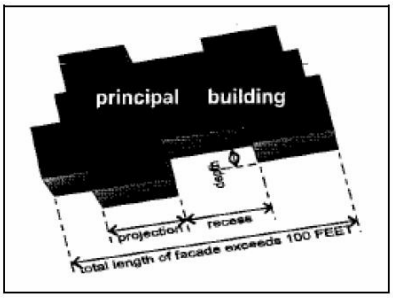
   All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground- floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

   a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown below is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

   b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to the street right-of-way, in conformance with Article 10-3B - Access and Circulation and Section 10-2F-9, subsection C above.

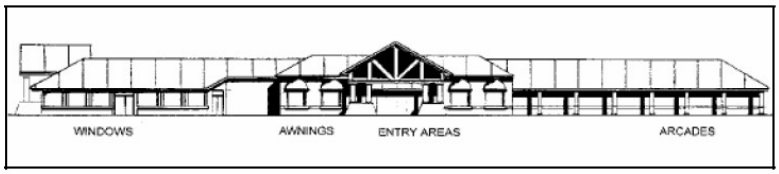


4. Large-Scale Retail Establishments
    a. Building Elevations
        i. Uninterrupted lengths of any elevation shall not exceed one hundred (100) horizontal feet.



(Drawing Source - Fort Collins, Colorado)

        ii. Ground floor elevations that face a street (public or private) or that face Interstate 90 shall have arcades, display windows, entry ways, awnings, or other such features along no less than 60% of the horizontal length.

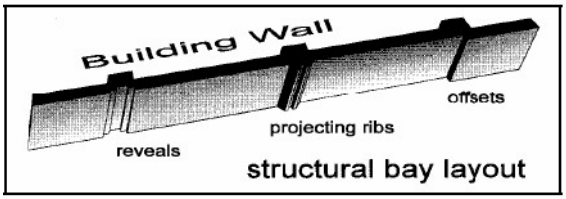


(Drawing Source - Fort Collins, Colorado)

    b. Building Facade - The front facade of the building must include a repeating pattern with at least three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
        i. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib;
        ii. Color change;

iii. Texture change; and / or

iv. Material module change.



(Drawing Source - Fort Collins, Colorado)

c. Entrances - Each building shall have clearly defined; highly visible customer entrances and each additional store located within a principal building shall have at least one separate exterior customer entrance. Entryways shall feature no less than three of the following design features:

i. canopies or porticos;

ii. overhangs;

iii. recesses/ projections;

iv. arcades;

v. raised corniced parapets over the door;

vi. peaked roof forms;

vii. arches;

viii. outdoor patios;

ix. display windows;

x. architectural details such as tile work and moldings which are integrated into the building structure and design; and / or

xi. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

d. Smaller Retail Stores - In addition to the entrance requirements above, when additional store(s), with less than fifty thousand (50,000) square feet, are located within a principal building, the facade of each additional store shall contain the following, as applicable:

i. Display windows between the height of three (3) feet and eight (8) feet above the walkway / sidewalk grade for no less than sixty percent (60%) of the horizontal length of each additional store facade; and

ii. Windows shall contain displays or be recessed and should include visually prominent sills, shutters, or other such forms of framing.

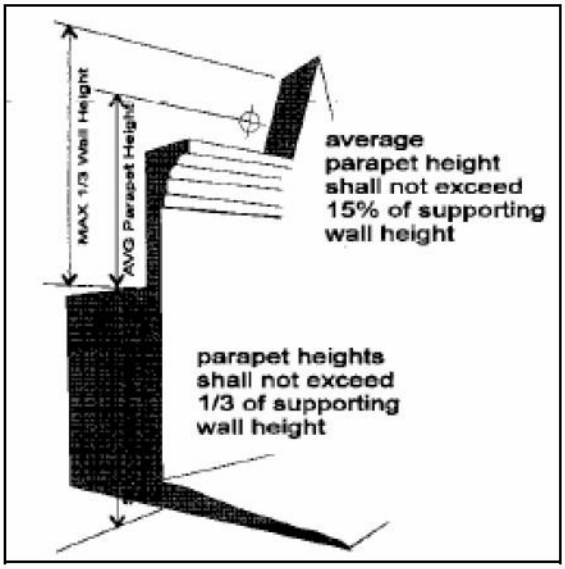
e. Roofs - Each building shall have at least two (2) of the following roof features:

i. Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapets shall not exceed one- third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatments;

ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

iii. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and / or

iv. Three (3) or more roof slope planes.



(Drawing Source - Fort Collins, Colorado)

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the M-2 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake
    h. Painted Corrugated Metal
    i. Other materials determined acceptable by the Zoning Administrator
2. Prohibited Roofing Materials

a. Corrugated Metal

3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Concrete Block - split faced, smooth (non-residential structures only)
    e. Concrete Tilt-Up (non-residential structures only)
    f. Wood
    g. Vinyl - tile or shake only
    h. Metal - tile or shake only
    i. Painted corrugated metal (only with detailing)
    j. Other materials determined acceptable by the Zoning Administrator
4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. Vinyl Lap (may be used when combined with detailing noted below)
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator
6. Colors
    a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
    b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
    c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

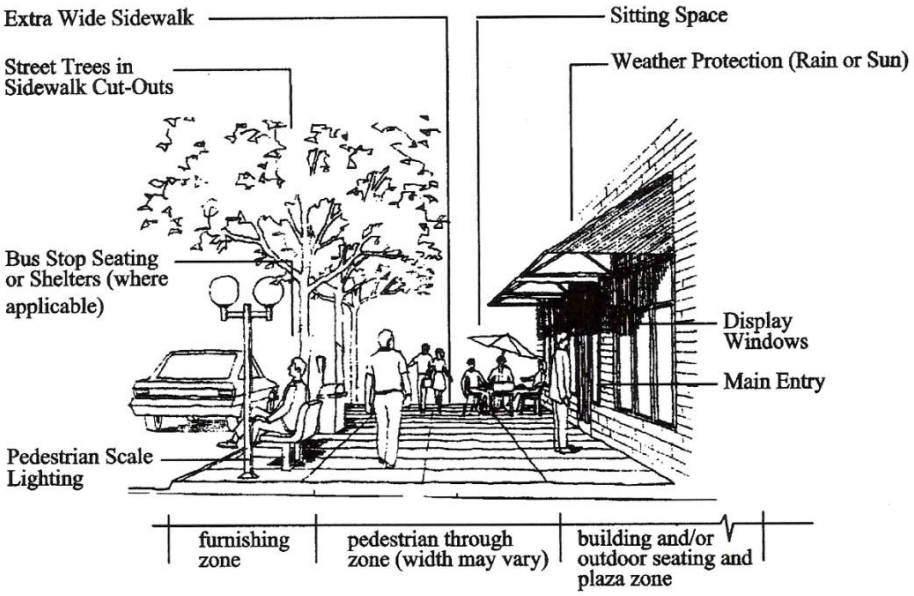
10-2F-11 Pedestrian and Transit Amenities

A. Purpose. This section is intended to complement the building orientation standards in Section 10-

2F-9 above, and the street standards in Articles 10-3B and 10-3G, by providing comfortable and inviting pedestrian spaces within the M-2 (Community Center Mixed-Use) District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment, and contribute to a walkable district.

B. Applicability. This section applies to all buildings in the M-2 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-2 zone are also required to comply with the standards outlined above in Section 10-2F-3 or 10-2F-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Guidelines and Standards. Every development shall provide one or more of the "pedestrian amenities" listed below and illustrated above. Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the City.



1. An extra-wide sidewalk along the frontage of the property that connects to the building entrance (minimum width of 12 feet) with on-street parking, street trees, pedestrian- scale lighting, and other similar enhancements. (If this option is chosen by the majority of the surrounding developments, the City may require this option to be chosen)
2. A plaza, courtyard, square or sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by Spokane Transit Authority (STA).

10-2F-12 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the M-2 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2G-1 **Purpose**

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

10-2G-3 **Limited Uses (L)**

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

10-2G-5 **Accessory Structures**

10-2G-6 **Development Setbacks**

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

10-2G-8 **Building Height**

10-2G-9 **Building Orientation**

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

10-2G-11 **Pedestrian and Transit Amenities**

10-2G-12 **Design Standards**

10-2G-1 Purpose

A city goal is to strengthen the M-3 (Central Business District Mixed-Use) District as the "heart" of the community and as the logical place for people to gather and create a business center. The M-3 (Central Business District Mixed-Use) District is intended to support this goal through elements of design and appropriate mixed-use development. This article provides standards for the orderly improvement and expansion of the M-3 (Central Business District Mixed-Use) District based on the following principles:

A. Efficient use of land and urban services.

B. A mixture of land uses within the M-3 Zone to encourage walking as an alternative to driving and provide more employment and housing options.

C. A connection to neighborhoods and other employment areas.

D. Provide visitor accommodations and tourism amenities.

E. Transit-oriented development reduces reliance on the automobile and parking needs.

F. The M-3 (Central Business District Mixed-Use) District provides both formal and informal community gathering places.

G. Providing retail and commercial services to the surrounding neighborhoods and community.

10-2G-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-3 (Central Business District Mixed-Use) District with the letter "P" are permitted in the M-3 zone, without special action by the Hearing Body, subject to development standards of the M-3 (Central Business District Mixed-Use) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2G-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-3 (Central Business District Mixed-Use) District with the letter "L" are allowed in the M-3 zone if they comply with the development standards of the M-3 (Central Business District Mixed-Use) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific M-3 Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Home Occupation**
    a. Requires application for and approval of a home occupation permit as outlined in Section 10-4I-2.
3. **Large-scale retail establishments**
    a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:
        i. New construction;

ii. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or

iii. A remodel of a building(s) with square footage that is equal or greater than the square footages defined for Large-scale retail establishments within these standards and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake.

iv. Exceptions - Waivers to these standards may be granted through a Class A Variance process under the following circumstances and in accordance with the chart below:

aa. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or.

bb. A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or

cc. The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and

dd. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional

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

i. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large- scale retail establishment from occupying the vacated building);

ii. The property owner agrees to provide a notice of closure to the Zoning Administrator as soon as a closure is anticipated or at least three (3)

months prior to an anticipated store closure; and

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

c. Pedestrian & Bicycle Circulation / Facilities

i. Ten (10) foot wide sidewalks will be required across the front of all buildings or wherever public access areas are located around the building;

ii. Distinct pedestrian crossing markers or changes in surfacing must be used; and

iii. Publicly accessible focal points with features such as a patio /seating area are required.

d. Shopping Cart Storage & Return Stations - When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted, and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations:

i. Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;

ii. Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas;

iii. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at any time; and

iv. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.

e. Outdoor Storage Uses & Service / Loading Areas:

i. Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;

ii. Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;

iii. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and

iv. When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.

f. Outdoor Display / Sales Areas & Accessory Uses

i. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;

ii. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Zoning Administrator or permitted through a Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;

iii. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;

iv. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;

v. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and

vi. Temporary sales / displays, such as Christmas trees, landscape materials, etc. Temporary sales / displays shall be reviewed and approved by the Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

g. Adaptability for Reuse / Compartmentalization / Redevelopment - It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:

i. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;

ii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and

iii. Landscaping schemes that complement the multiple entrance design.

4. **Mobile sales / concessions**

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

    b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.

    c. Mobile sales/ concessions may be located in public right-of-way when associated with a community event, with the approval of the adjacent property owner or business.

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

5. **Parking structure**

    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings above the ground floor, or located behind or to the side of a building.

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

6. **Temporary construction / sales office**

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

7. **Tower, private**

    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City of Liberty Lake can remove the easement.

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

8. **Animal health services / veterinarian - domestic animals**

    a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.

    b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.

    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.

9. Automobile parts sales (retail)

a. The automobile parts sales store shall be contained within an enclosed building which does not exceed 8000 square feet or 100 feet of street frontage, whichever is less.

b. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the automobile parts sales building.

10. Gas station / convenience store

a. A Gas station / convenience store is allowed in the M-3 zone if it is being re-located from another location within the M-3 zone and it meets the following criteria:

i. Underground storage tanks and stormwater disposal shall not be located within the 1000-foot radius of a wellhead.

ii. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).

iii. Convenience stores/gas stations shall not exceed 8 pump sites, and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.

11. Banks / financial institutions (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner. (Walk-up only teller machines and kiosks may be oriented to a corner but shall be separate from the drive-thru area).

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary bank building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary bank building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

12. Commercial laundromat & dry-cleaning facility (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-

through facility, in total, shall occupy less street frontage than the primary commercial laundromat and dry-cleaning facility building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary commercial laundromat and dry-cleaning facility building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

13. Pharmacy (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, drop-boxes, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary pharmacy building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary pharmacy building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

14. Restaurant / cafe / deli / ice cream parlor (with drive-thru)

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary restaurant / cafe / deli / ice cream parlor building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary restaurant / cafe / deli / ice cream parlor building.

e. Interior and exterior seating shall be provided.

f. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

15. Sports Bar

a. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the Sports Bar.

b. Design and compatibility with neighborhood character shall be considered in the approval process.

16. Tavern / pub / liquor store

a. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the tavern / pub / liquor store.

b. Design and compatibility with neighborhood character shall be considered in the approval process.

17. Maintenance / public works facility

a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

18. Post Office

When the post office contains a drive-up, drive-in, or drive-through facility, it shall be subject to the following standards:

a. The drive-thru portion of the facility shall be accessed only from an alley, driveway, or local access street and not an arterial or collector street.

b. None of the drive-up, drive-in, or drive-through components (e.g., driveway queuing areas, windows, and similar facilities) shall be located within 20 feet of a street and shall not be oriented to an arterial or collector street corner.

c. The drive-up, drive-in, or drive-through facility shall be subordinate to the primary structure. “Subordinate” means all components of the drive-up, drive- in, or drive-through facility, in total, shall occupy less street frontage than the primary post office building.

d. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the primary post office building.

e. Drive-up, drive-in, or drive-through components of any kind, shall be located a safe distance from pedestrian crossings.

19. Accessory dwelling unit, attached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit or mixed-use building.

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

c. The ADU shall be clearly a subordinate part of the principal unit or mixed-use building. In no case shall it be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

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

the front of the lot.

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

20. Accessory dwelling unit, detached

a. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit.

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

c. The ADU shall not be more than 35% of the principal unit's total livable floor area, above grade, nor more than 900 square feet, whichever is less.

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

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

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

g. When measured from ground level, the ridge of the ADU's pitched roof shall not exceed 24 feet or the height of the principal unit, whichever is less.

h. Detached ADU's shall not be allowed on lots that are less than 8,000 square feet in size.

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

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

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

21. Dwelling, multi-family

Multi-family dwellings may only be permitted as a part of a mixed-use development (residential with commercial or other use), in accordance with the following standards:

a. All buildings fronting streets shall contain areas for commercial and/or office uses on the ground floor and may contain covered parking. All residential uses shall be above the ground floor.

   i. The building and site layout shall be designed to maximize the amount of commercial/office uses on the ground floor, as determined by the City.

   ii. This vertical mixed-use requirement may not apply when the City determines that topography precludes access to the street.

b. Multi-family dwellings shall comply with Article 10-3B - Access and Circulation.

c. Parking, garages, and driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street

(e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

d. Common areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowner's association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

e. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in multi-family dwellings with 4 or more units. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Critical areas and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

f. Private open space. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drives to the greatest extent practicable;

g. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

h. Private open space upper-floor units. A minimum of 75 percent of all upper- floor housing units shall have balconies or porches measuring at least 35 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade.

22. Dwelling, single family attached townhomes

Single family attached townhomes should be part of a mixed-use development (residential with commercial or other use). Townhomes shall be subject to the following standards:

a. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Article 10-3B - Access and Circulation.

b. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances should be oriented to a side street (i.e., away from the arterial or collector street) when access cannot be provided from an alley.

c. The maximum allowable driveway width facing the street is 24 feet per dwelling

unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.

d. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

e. When a subdivision (e.g., five or more town-home lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable.

f. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner's association or other legal entity. A homeowner's association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval, to check for common area maintenance provisions.

23. Emergency Housing & Shelters

a. The facility must be open 24 hours per day, 7 days per week.

b. The maximum number of residents in the facility is limited to the general capacity of the building.

c. Beds or rooms shall be assigned to specific residents.

d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.

e. The facility shall meet any applicable state and federal licensing requirements.

24. Transitional & Supportive Housing, 8 Beds or Less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility must maintain the outward appearance of a residence and conform to the residential character of the area.

c. The facility shall meet any applicable state and federal licensing requirements.

25. Transitional & Supportive Housing, More than 8 Beds

a. The facility should be limited to 50 or fewer housing units within a single facility or complex.

b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

c. The facility must be located within ¼ mile of a fixed transit route.

d. The facility shall meet any applicable state and federal licensing requirements.

26. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure for the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

27. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2G-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the M-3 (Central Business District Mixed-Use) District with the letters “CU” are permitted to locate in the M-3 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10- 2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10- 2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific M-3 Conditional Uses.

1. Bed and breakfast inn

a. The facility must maintain the outward appearance of a residence and conform to the character of the area.

b. Parking shall be located as to not detract from the aesthetics of the residence, street, or neighborhood.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the bed and breakfast inn.

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

2. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and

licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2G-5 Accessory Structures

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

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

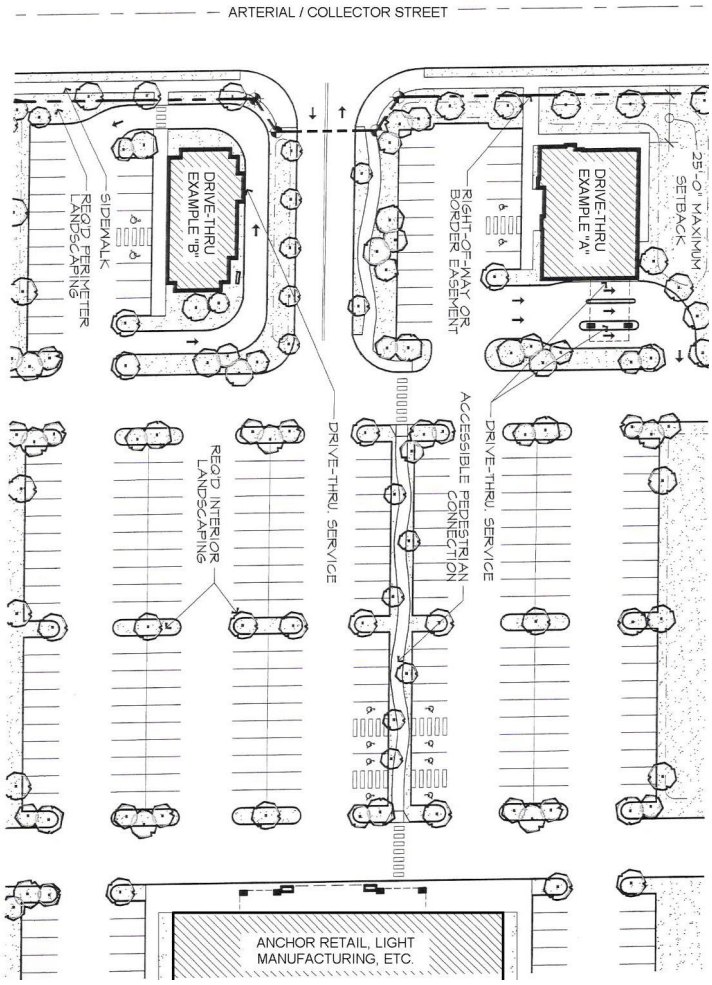
E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures must comply with all applicable standards and guidelines for this zone (10-2G-6, 10- 2G-7, 10-2G-8, 10-2G-9, 10-2G-10, 10-2G-11, and 10-2G-12), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2G-6 Development Setbacks

In the M-3 (Central Business District Mixed-Use) District, the setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards encourage placement of buildings close to the street to create a vibrant pedestrian environment, to slow traffic down, to provide a storefront character to the street, and to encourage walking. The standards also encourage the formation of solid blocks of buildings to create a walkable environment.

Building setbacks are measured from perimeter of the structure to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance

with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.



A. Front Yard Setbacks

1. There is no minimum front yard setback required.
2. The maximum allowable front yard setback is 25 feet. This standard is met when a minimum of 25 percent of the front building elevation is placed no more than 25 feet back from the front property line, or the back of the border easement, as applicable. However, no structures shall be constructed within any easements. On parcels with more than one building, this standard applies to the building located closest to the front property line. For developments where more than one building or development pad is proposed, the building located furthest from the right-of-way shall have no maximum front yard setback and parking may be located between the buildings furthest from the right-of-way.
3. The maximum setback may be increased if the increased setback is used for the following pedestrian or aesthetic amenities associated with the building use (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, courtyard, etc. or additional front yard landscaping).

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet for street-access lots, and 8 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking (except for accessory structures).
2. Accessory structures:
    a. Structures 120 square feet or under may be located on the rear and side property lines, so long as no eave overhangs the property line, the structure is not built on a permanent foundation, and the abutting property is protected from runoff or other intrusion.
    b. The minimum rear yard setback shall be 5 feet for all other accessory structures less than 15 feet tall and for accessory structures greater than 15 feet tall, an additional foot of rear yard setback shall be added per foot of height to a maximum of 15 feet.
3. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" shall apply.

C. Side Yard Setbacks

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Setback Exceptions

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Building Code and Fire Code. Walls and fences may be placed on property lines, subject to the standards in Section 10-3C-5 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N. The Zoning Administrator has the discretion to allow an increase in the maximum setback for public safety facility access.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

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

A. Residential Density Standard. The density standards in the following chart shall apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a planned unit development). Multi-family lots used to comply with the density standard shall be so designated on the final subdivision or short subdivision plat, or final

binding site plan.

2. The following types of housing categorized under other uses, are exempt from the density standards: Specialty housing (independent senior, assisted living, nursing home, convalescent home, Alzheimer's facilities), social service facilities, and bed and breakfast inns. Additionally, Accessory Dwelling Units (ADU's) are exempt due to their small size and low occupancy level.

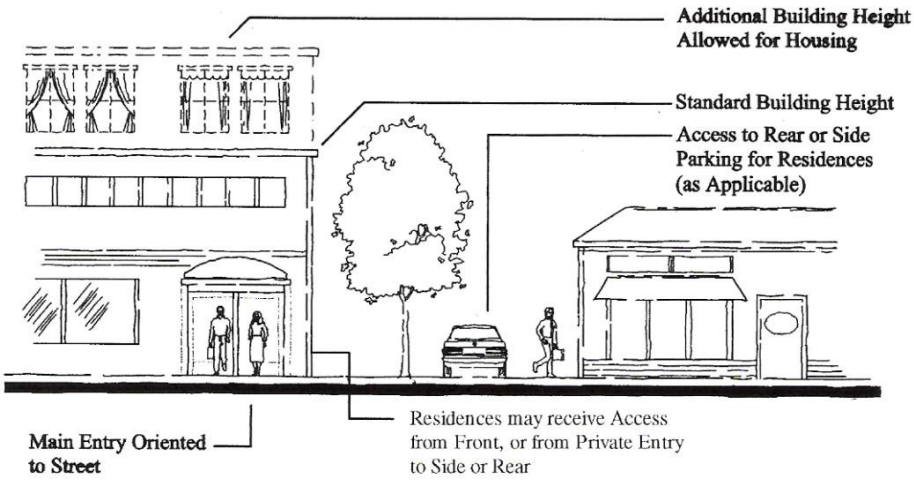
B. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

C. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

M-3 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
Attached (townhome) Single Family Housing	Minimum area: None Maximum area: None	Minimum Width: 20 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Multi-Family Housing	Minimum area: None Maximum area: None	Minimum Width: 40 feet at front property line Maximum Depth: None	Maximum: 70 percent	Minimum Net Density: 12 dwelling units per acre Maximum Net Density: None
Other Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 70 percent	None

D. Exception. The minimum net density standards above may not apply when physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by the Zoning Administrator.

10-2G-8 Building Height



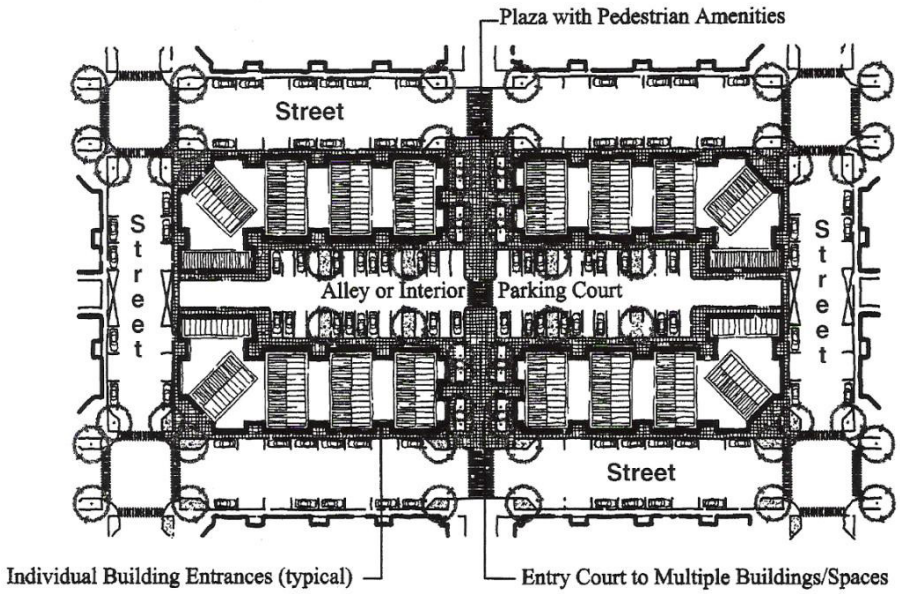
All buildings in the M-3 (Central Business District Mixed-Use) District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a pedestrian friendly character:

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2G-9 Building Orientation



Block Layout Example

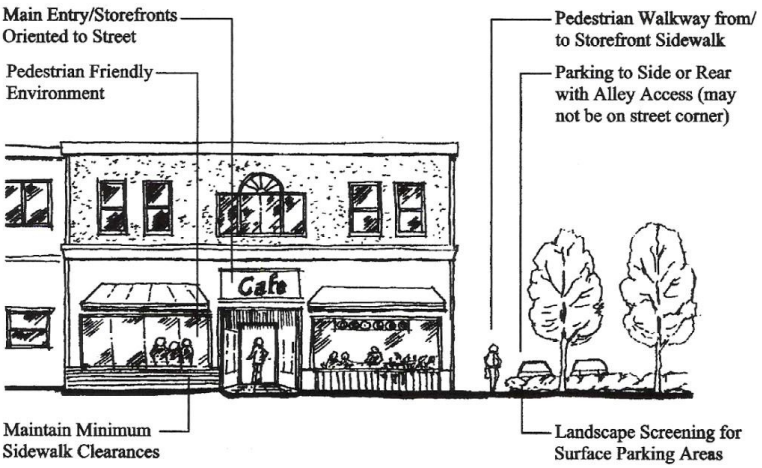
A. Purpose. This section is intended to promote the walkable, pedestrian friendly character of the M-3 (Central Business District Mixed-Use) District by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed and illustrated below, compliment the front yard setback standards in Section 10-2G-6 above.

B. Applicability. This section applies to all buildings in the M-3 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the M-3 zone are also required to comply with the standards outlined above in Section 10-2G-3 or 10-2G-4. Buildings that do not require site design review are encouraged to incorporate these standards.

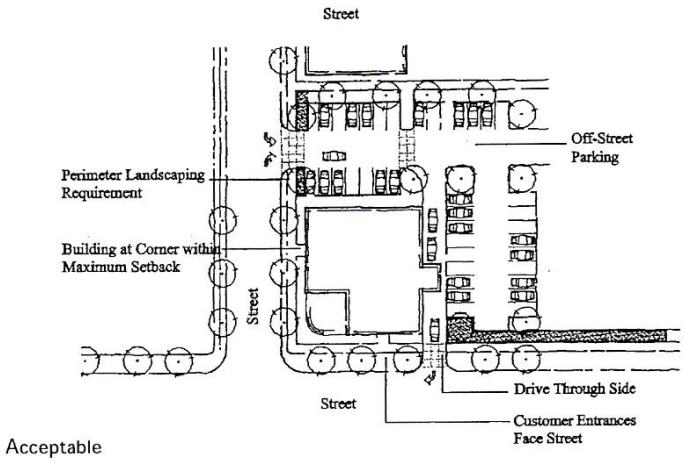
C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2G-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial and multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. At least one entrance shall be provided not more than 50 feet from the closest sidewalk, street, or pedestrian path, as depicted in the graphic in Section 10-2E-6 above.

3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.



Mixed Use Building Orientation Example



Orientation Examples for Businesses with a Drive-Thru

5. Large-scale retail establishments
    a. Large-scale retail establishments shall not be located on corner lots, unless smaller buildings (less than 50,000 gross square feet) are located between the large-scale retail establishment and the street.
    b. Outparcels with non-large-scale retail establishments must be located between large-scale retail establishments and an arterial or collector street.

c. Access & Traffic

i. Large-scale retail establishments must have at least two approaches with the main approach located on an arterial or collector street;

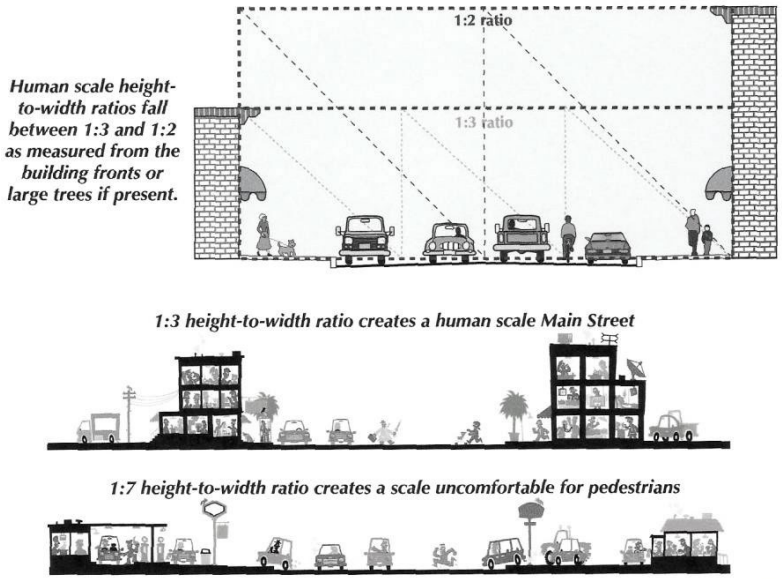
ii. Vehicle access must be designed to accommodate peak traffic volumes;

iii. Site layout must provide access connections to adjacent parcels / uses; and

iv. Off-street parking, drives, and other vehicular areas cannot be placed between buildings and streets, if prohibited by the Development Code for the zone.

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

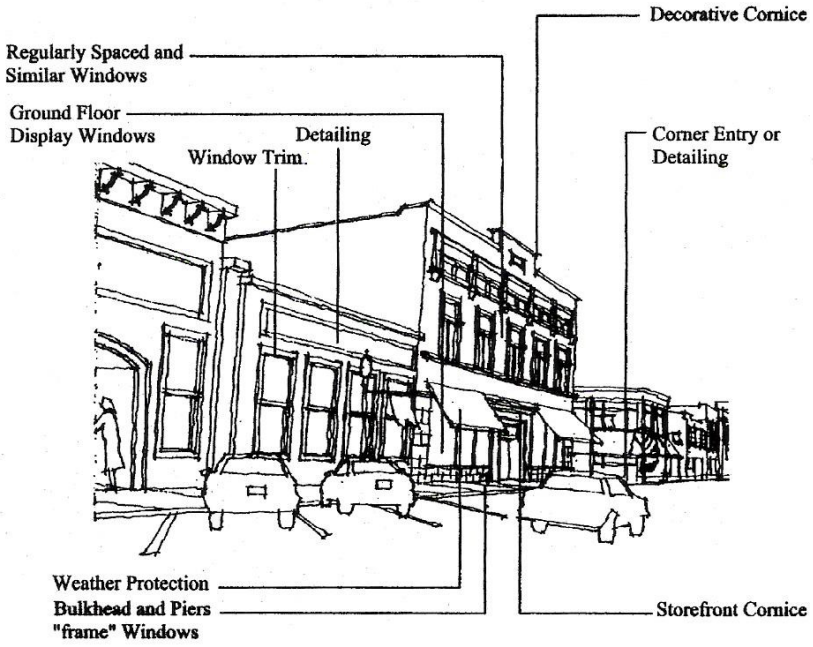
10-2G-10 Architectural Guidelines and Special Standards



A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the M-3 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-3 zone are also required to comply with the standards outlined above in Section 10-2G-3 or 10-2G-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design and provide protection for pedestrians.

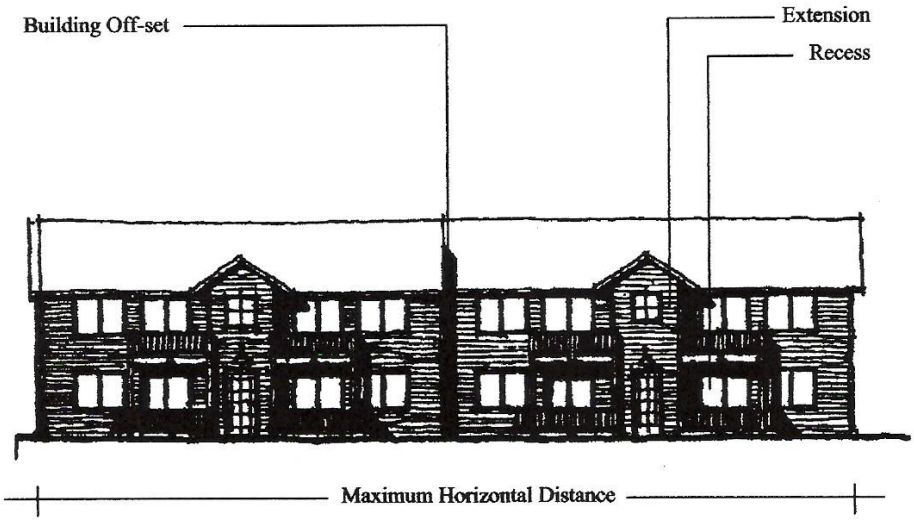
   b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories). Buildings that are unable to provide regularly spaced and similar-shaped windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons, may not be required to meet this standard; however, alternatives to break up blank walls shall be provided.

   c. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground floor from second story, as shown above). Buildings that are unable to provide large display windows due to the internal function of the building space (e.g., mechanical equipment, manufacturing areas, movie theater viewing areas, light sensitive laboratories, etc.) or for structural reasons may not be required to meet this standard; however, alternatives to break up blank walls shall be provided.

   d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

   e. All residential buildings subject to site design review shall also comply with "2" below.

2. Residential Buildings.



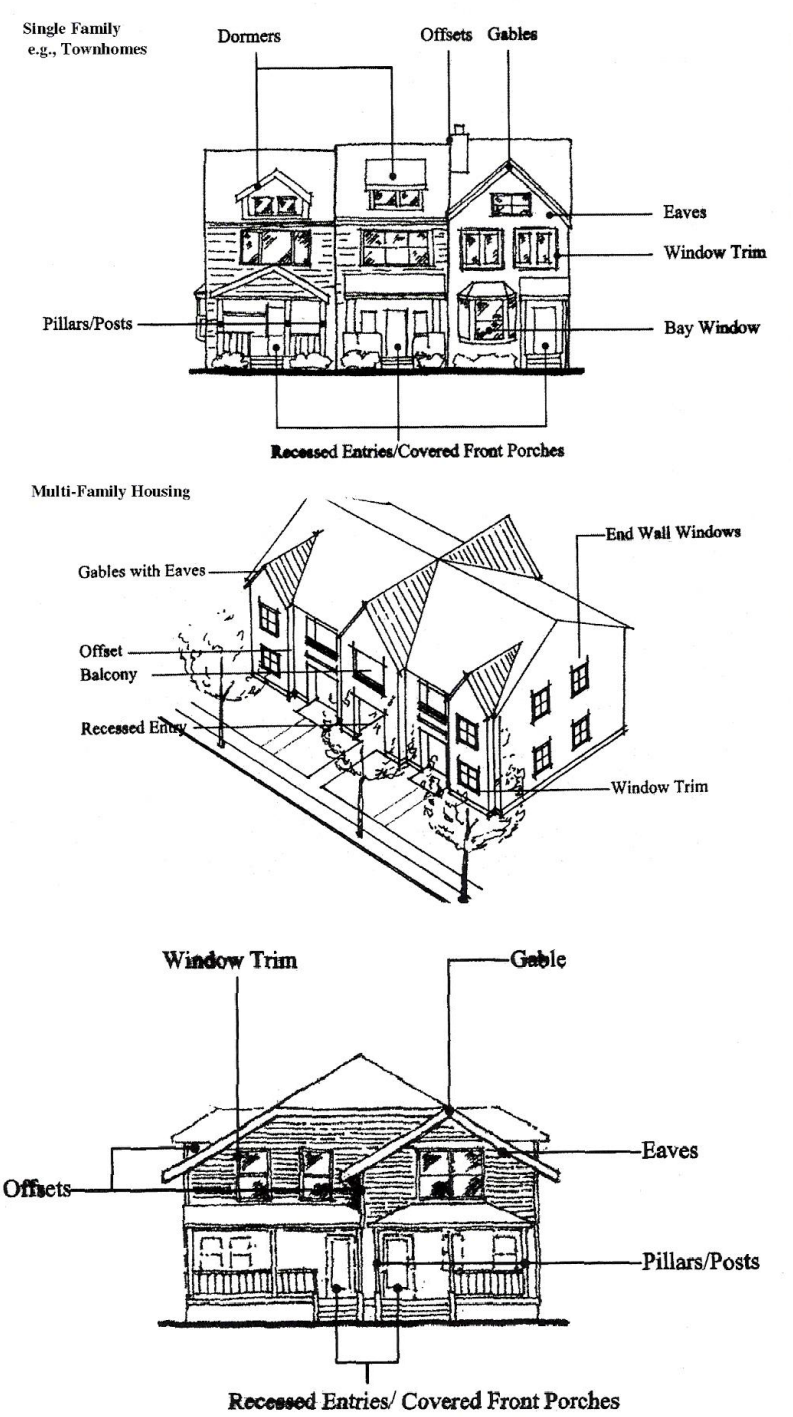
a. The continuous horizontal distance (i.e., as measured from end-wall to end- wall) of individual buildings shall not exceed 160 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

   i. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;

   ii. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

   iii. Offsets or breaks in roof elevation of 2 feet or greater in height.

b. All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 50 percent of the front (i.e., street-facing) elevation width, and a minimum of 25 percent of the side and rear building elevation width, as applicable, shall meet this standard. The standard applies to each full and partial building story.



c. Residential buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

   i. Dormers

   ii. Gables

iii. Recessed entries

iv. Covered porch entries

v. Cupolas or towers

vi. Pillars or posts

vii. Eaves (min. 6-inch projection)

viii. Offsets in building face or roof (minimum 16 inches)

ix. Window trim (minimum 4-inches wide)

x. Bay windows

xi. Balconies

xii. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

xiii. Decorative cornices and roof lines (e.g., for flat roofs)

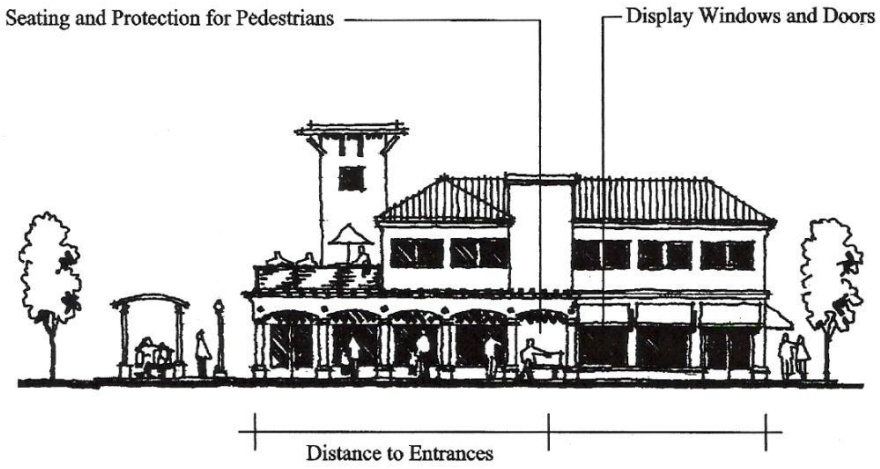
xiv. An alternative feature providing visual relief, similar to the above options.

3. Design of Large-Scale Buildings and Developments.

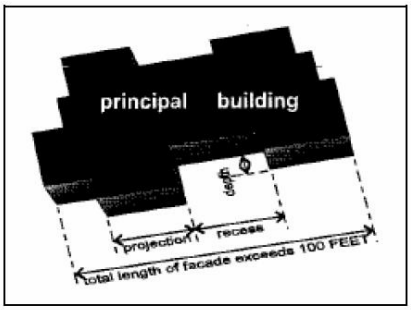
   All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., "large-scale") or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

   a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown below is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

   b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to the street right-of-way, in conformance with Article 10-3B - Access and Circulation and Section 10-2G-9, subsection C above.

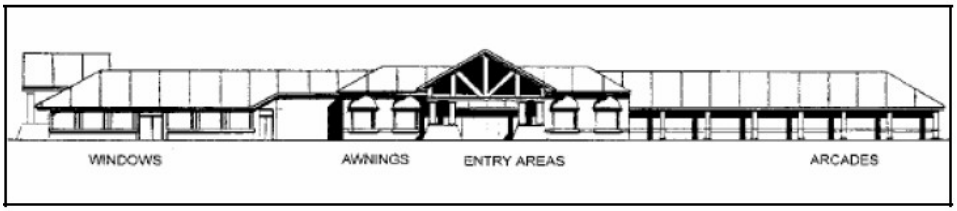


4. Large-Scale Retail Establishments
    a. Building Elevations
        i. Uninterrupted lengths of any elevation shall not exceed one hundred (100) horizontal feet.



(Drawing Source - Fort Collins, Colorado)

        ii. Ground floor elevations that face a street (public or private) or that face



(Drawing Source - Fort Collins, Colorado)

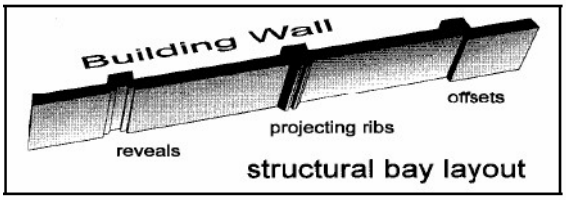
Interstate 90 shall have arcades, display windows, entry ways, awnings, or other such features along no less than 60% of the horizontal length.

    b. Building Facade - The front facade of the building must include a repeating pattern with at least three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
        i. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib;

ii. Color change;

iii. Texture change; and / or

iv. Material module change.



(Drawing Source - Fort Collins, Colorado)

c. Entrances - Each building shall have clearly defined; highly visible customer entrances and each additional store located within a principal building shall have at least one separate exterior customer entrance. Entryways shall feature no less than three of the following design features:

i. canopies or porticos;

ii. overhangs;

iii. recesses/ projections;

iv. arcades;

v. raised corniced parapets over the door;

vi. peaked roof forms;

vii. arches;

viii. outdoor patios;

ix. display windows;

x. architectural details such as tile work and moldings which are integrated into the building structure and design; and / or

xi. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

d. Smaller Retail Stores - In addition to the entrance requirements above, when additional store(s), with less than fifty thousand (50,000) square feet, are located within a principal building, the facade of each additional store shall contain the following, as applicable:

i. Display windows between the height of three (3) feet and eight (8) feet above the walkway / sidewalk grade for no less than sixty percent (60%) of the horizontal length of each additional store facade; and

ii. Windows shall contain displays or be recessed and should include visually prominent sills, shutters, or other such forms of framing.

e. Roofs - Each building shall have at least two (2) of the following roof features:

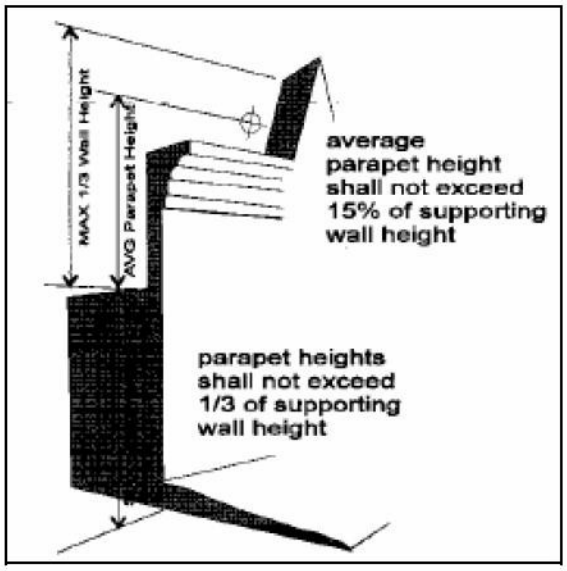
i. Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapets shall not exceed one-third of the height of the supporting wall. Such parapets shall feature

three-dimensional cornice treatments;

ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

iii. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and / or

iv. Three (3) or more roof slope planes.



(Drawing Source - Fort Collins, Colorado)

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the M-3 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake

h. Painted corrugated metal

i. Other materials determined acceptable by the Zoning Administrator

2. Prohibited Roofing Materials

a. Corrugated Metal

3. Acceptable Siding Materials

a. Brick

b. Stucco or Dryvit

c. Cultured or Natural Stone

d. Concrete Block - split faced, smooth (non-residential structures only)

e. Concrete Tilt-Up (non-residential structures only)

f. Wood

g. Vinyl - tile or shake only

h. Metal - tile or shake only

i. Painted corrugated metal (only with detailing)

j. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials

a. Corrugated Metal

b. T-111 (may be used when combined with detailing noted below)

c. Vinyl Lap (may be used when combined with detailing noted below)

5. Detailing

a. Brick

b. Stone

c. Wood or Timber

d. Board and Batten

e. Other materials determined acceptable by the Zoning Administrator

6. Colors

a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;

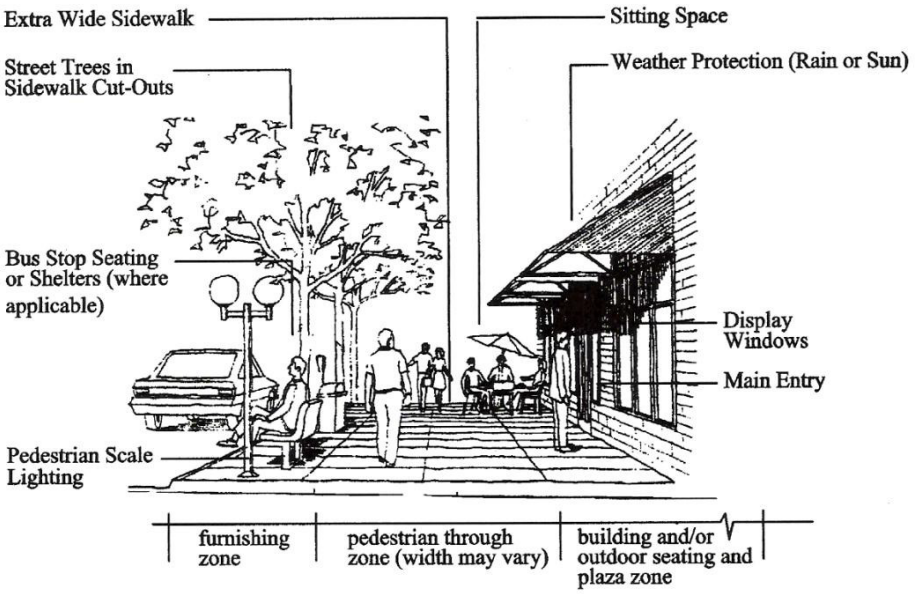
b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and

c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2G-11 Pedestrian and Transit Amenities

A. Purpose. This section is intended to complement the building orientation standards in Section 10-2G-9 above, and the street standards in Articles 10-3B and 10-3G, by providing comfortable and inviting pedestrian spaces within the M-3 (Central Business District Mixed-Use) District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment, and contribute to a walkable district.

B. Applicability. This section applies to all buildings in the M-3 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the M-3 zone are also required to comply with the standards outlined above in Section 10-2G-3 or 10-2G-4. Buildings that do not require site design review are encouraged to incorporate these standards.



C. Guidelines and Standards. Every development shall provide two or more of the "pedestrian amenities" listed below and illustrated above. Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used. Pedestrian amenities may be provided within a public right-of-way when approved by the City.

1. An extra-wide sidewalk along the frontage of the property that connects to the building entrance (minimum width of 12 feet) with on-street parking, street trees, pedestrian-scale lighting, and other similar enhancements. (If this option is chosen by the majority of the surrounding developments, the City may require this option to be chosen)
2. A plaza, courtyard, square or sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).
5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by Spokane Transit Authority (STA).

10-2G-12 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the M-3 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2H-1 **Purpose**

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

10-2H-3 **Limited Uses (L)**

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

10-2H-5 **Accessory Structure**

10-2H-6 **Development Setbacks**

10-2H-7 **Lot Area, Dimensions, and Coverage**

10-2H-8 **Building Height**

10-2H-9 **Building Orientation**

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

10-2H-11 **Design Standards**

10-2H-1 Purpose

The C-1 (Community Commercial) District provides for a range of light manufacturing, office uses, automobile-oriented uses, and similar uses which may not be appropriate in the mixed-use zones. The district's standards are based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide business services close to major employment centers.

C. Compatibility between commercial uses and nearby residential areas.

D. Allow for automobile-oriented uses, while preventing strip-commercial development along arterial and collector streets.

10-2H-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-1 (Community Commercial) District with the letter "P" are permitted in the C-1 zone, without special action by the Hearing Body, subject to development standards of the C-1 (Community Commercial) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2H-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-1 (Community Commercial) District with the letter "L" are allowed in the C-1 zone if they comply with the development standards of the C-1 (Community Commercial) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific C-1 Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.
    c. Mobile sales/ concessions may be located in public right-of-way when associated with a community event, with the approval of the adjacent property owner or business.
    d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.
3. **Parking structure**
    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
    b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.

4. **Temporary construction / sales office**

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

5. **Tower**

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

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

    c. The tower shall not exceed 15 feet above the maximum height of the underlying zone.

    d. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.

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

6. **Tower, private**

    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.

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

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

7. **Animal health services / veterinarian - domestic animals**

    a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.

    b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.

    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.

8. **Automobile, manufactured home, recreational vehicle, trailer & boat - sales**

    a. Only permitted on sites that are at least 300 feet away from any residential zones or uses.

9. **Automobile, recreational vehicle, trailer, truck & taxi – rentals**

    a. Only permitted on sites that are at least 300 feet away from any residential

zones or uses.

10. **Automobile / truck repair or maintenance (service station)**
    a. All vehicles being repaired or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
11. **Boat, recreational vehicle & trailer -construction, repair, parts sales & maintenance**
    a. All vehicles being repaired or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight-obscuring fence to a minimum height of 6 feet.
    b. Only permitted on sites that are at least 300 feet away from any residential zones or uses.
12. **Gas station / convenience store**
    a. Underground storage tanks and stormwater disposal shall not be located within the 1000-foot radius of a wellhead.
    b. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).
    c. Convenience stores/gas stations shall not exceed 8 pump sites, and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.
13. **Accessory Fueling Station**
    a. Fueling station must be accessory to a principal use that is permitted within the zone, except that truck stops as the principal use shall be expressly prohibited.
    b. Underground storage tanks and stormwater disposal shall not be located within the 1000-foot radius of a wellhead.
    c. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).
    d. Fueling stations shall not exceed 8 pump sites. A pump site is one dispenser which may be double sided.
14. **Espresso stand**
    a. The facility shall be located on a separate platted lot with a tax parcel number or shall be part of a leasable commercial strip or structure.
    b. The building shall contain an ADA accessible bathroom, as specified in the building code.
15. **Maintenance / public works facility**
    a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
16. **Emergency Housing & Shelters**
    a. The facility must be open 24 hours per day, 7 days per week.

b. The maximum number of residents in the facility is limited to the general capacity of the building.

c. Beds or rooms shall be assigned to specific residents.

d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.

e. The facility shall meet any applicable state and federal licensing requirements.

17. Transitional & Supportive Housing, 8 Beds or Less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility shall meet any applicable state and federal licensing requirements.

18. Transitional & Supportive Housing, More than 8 Beds

a. The facility should be limited to 50 or fewer housing units within a single facility or complex.

b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

c. The facility must be located within ¼ mile of a fixed transit route.

d. The facility shall meet any applicable state and federal licensing requirements.

19. Plastic injection molding, **Plastic injection molding, Sandblasting / cutting, & Tool and die making**

a. The uses shall be completely enclosed within a building.

20. Welding / sheet metal shops

a. Open air welding shall be prohibited.

21. Woodworking / cabinet manufacturing with & without retail sales showroom

a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

22. Research facility / laboratory

a. The research facility / laboratory use shall be completely enclosed within a building.

23. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

24. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. Small l Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2H-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-1 (Community Commercial) District with the letters “CU” are permitted to locate in the C-1 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific C-1 Conditional Uses.

1. Adult entertainment establishment & adult retail use establishment

a. There shall be 5 existing acres of adjacent zoning classified C-1 Community Commercial.

b. The use shall be located or maintained at least 1,000 feet from the nearest property line of the uses listed below. Distance shall be measured from the nearest property line of the adult retail use establishment or adult entertainment establishment(s) to the nearest property line of the following pre-existing uses:

i. Public library.

ii. Public playground or park.

iii. Public or private school and its grounds of kindergarten to 12th grade.

iv. Nursery school, mini-day care center, or day care center.

v. Church, convent, monastery, synagogue, or other place of religious worship.

vi. Another adult use subject to the provisions of this section.

c. An adult retail use establishment or adult entertainment establishment(s) shall not be located within 1,000 feet of any residential or mixed-use zone and buildings shall not be more than 35' in height.

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

2. Public utility transmission facility – EPF

a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

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

3. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

c. The applicant shall meet and provide documentation that all applicable

requirements of FCC, FAA, and any required aviation easements have been satisfied.

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2H-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in commercial zones may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections 10-2H-6 for setbacks and 10-2H-7 for maximum lot coverage:

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.'

E. Development Standards, Architectural Guidelines, and Design Standards. Accessory structures

must comply with all applicable standards and guidelines for this zone (10-2H-6, 10- 2H-7, 10-2H-8, 10-2H-9, 10-2H-10, and 10-2H-11), unless specifically exempted, or alternative methods are authorized, or a variance is approved by the City.

10-2H-6 Development Setbacks

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the

standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2H-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

C-1 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
All Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 60 percent	None

10-2H-8 Building Height

All buildings in the C-1 (Community Commercial) District shall comply with the following building height standards.

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2H-9 Building Orientation

A. Purpose. All of the following standards shall apply to new development within the C-1 Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the C-1 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the C-1 zone are also required to comply with the standards outlined above in Section 10-2H-3 or 10-2H-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2H-6.
2. All buildings shall have their primary entrance(s) oriented to the street. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.

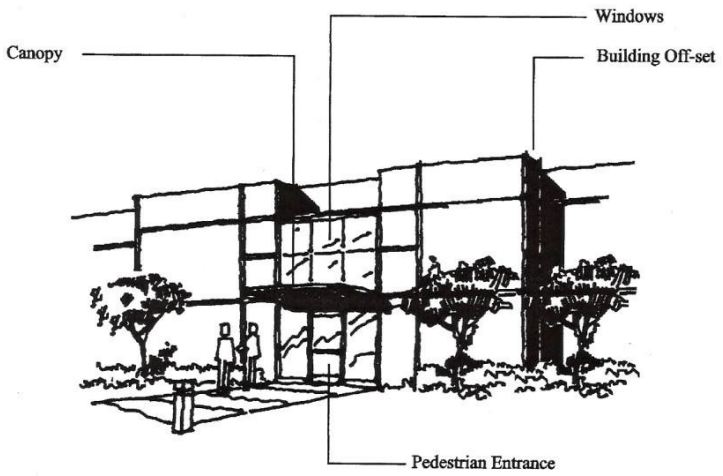
D. Variances. These standards shall not be changed through a Variance. The Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

10-2H-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the C-1 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the C-1 zone are also required to comply with the standards outlined above in Section 10-2H-3 or 10-2H-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up and articulate large building surfaces and volumes.

   b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design.

   c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2. Design of Large-Scale Buildings and Developments.

   All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground-

floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to the street right-of-way, in conformance with Article 10- 3B - Access and Circulation.

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the C-1 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake
    h. Painted corrugated metal
    i. Other materials determined acceptable by the Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick

b. Stucco or Dryvit
c. Cultured or Natural Stone
d. Concrete Block - split faced, smooth
e. Concrete Tilt-Up
f. Wood
g. Vinyl - tile or shake only
h. Metal - tile or shake only
i. Painted corrugated metal (only with detailing)
j. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. Vinyl Lap (may be used when combined with detailing noted below)
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator
6. Colors
    a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
    b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
    c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2H-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the C-1 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2I-1 **Purpose**

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

10-2I-3 **Limited Uses (L)**

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

10-2I-5 **Accessory Structures**

10-2I-6 **Development Setbacks**

10-2I-7 **Lot Area, Dimensions, and Coverage**

10-2I-8 **Building Height**

10-2I-9 **Building Orientation**

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

10-2I-11 **Special Standards**

10-2I-1 Purpose

The C-2 (Freeway Commercial) District provides for a range of light manufacturing, office uses, automobile-oriented uses, and similar uses which may not be appropriate in the mixed-use zones. Within the C-2 Zone, there is an emphasis on the aesthetics of frontages along Interstate 90 to enhance Interstate 90's aesthetic corridor status. The district's standards are based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide business services close to major employment centers.

C. Compatibility between commercial uses and nearby residential areas.

D. Allow for automobile-oriented uses, while preventing strip-commercial development along arterial and collector streets.

E. Increase the aesthetics along Interstate 90 through special landscaping and building design standards along Interstate 90 frontages.

10-2I-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-2 (Freeway Commercial) District with the letter "P" are permitted in the C-2 zone, without special action by the Hearing Body, subject to development standards of the C-2 (Freeway Commercial) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2I-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-2 (Freeway Commercial) District with the letter "L" are allowed in the C-2 zone if they comply with the development standards of the C-2 (Freeway Commercial) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific C-2 Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Large-scale retail establishments**
    a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:
        i. New construction;
        ii. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or
        iii. A remodel of a building(s) with square footage that is equal or greater than the square footages defined for Large-scale retail establishments within these standards and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake.
        iv. Exceptions - Waivers to these standards may be granted through a Class A Variance process under the following circumstances and in accordance with the chart below:
            aa. Strict application of the standard would result in peculiar or

exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or

bb. A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or

cc. The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and

dd. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional

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

i. The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large- scale retail establishment from occupying the vacated building);

ii. The property owner agrees to provide a notice of closure to the Zoning Administrator as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and

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

c. Pedestrian & Bicycle Circulation / Facilities

i. Ten (10) foot wide sidewalks will be required across the front of all buildings or wherever public access areas are located around the building;

ii. Distinct pedestrian crossing markers or changes in surfacing must be used; and

iii. Publicly accessible focal points with features such as a patio /seating area are required.

d. Shopping Cart Storage & Return Stations - When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted, and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations:

i. Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;

ii. Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas;

iii. Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at any time; and

iv. The applicant shall submit a working plan for the collection of shopping carts from the parking lot.

e. Outdoor Storage Uses & Service / Loading Areas -

i. Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;

ii. Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;

iii. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and

iv. When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.

f. Outdoor Display / Sales Areas & Accessory Uses

i. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;

ii. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Zoning Administrator or permitted through a Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;

iii. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;

iv. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;

v. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and

vi. Temporary sales / displays, such as Christmas trees, landscape materials, etc.

aa. Temporary sales / displays shall be reviewed and approved by the Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

g. Adaptability for Reuse / Compartmentalization / Redevelopment - It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:

i. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;

ii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and

iii. Landscaping schemes that complement the multiple entrance design.

3. Mobile sales / concessions

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

b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established on the subject property.

c. Mobile sales/ concessions may be located in public right-of-way when associated with a community event with the approval of the adjacent property owner or business.

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

mobile concession shall be limited to the hours of operation of that community event.

4. **Parking structure**
    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.
    b. Parking structure entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, parking structure entrances shall be oriented to a side street (i.e., away from the arterial or collector street) when vehicle access cannot be provided from an alley.
5. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
6. **Tower, private**
    a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.
    b. The tower shall not exceed the maximum height of the underlying zone.
    c. The tower must be accessory to a residence on the same site.
7. **Animal health services / veterinarian - domestic animals**
    a. Treatment rooms, cages, yards, or runs are to be maintained within a completely enclosed building. Compliance with noise standards for a commercial noise source as identified by WAC 173-60-040, shall be demonstrated by the applicant.
    b. Short term boarding of animals not currently under treatment may be permitted within the clinic building. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or noise outside its walls, or other nuisance or health hazard.
    c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the animal health services / veterinarian building.
8. **Automobile / truck repair or maintenance (service station)**
    a. All vehicles being repaired or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
9. **Boat, recreational vehicle, & trailer - construction, repair, parts sales, & maintenance**
    a. All boats, recreational vehicles, and/or trailers being constructed, repaired, or maintained shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
10. **Gas station / convenience store**
    a. Underground storage tanks and stormwater disposal shall not be located within the

1000-foot radius of a wellhead.

b. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).

c. Convenience stores/gas stations shall not exceed 8 pump sites and the building footprint area shall not exceed 5,000 square feet per lot. A pump site is one dispenser which may be double sided.

11. Accessory Fueling Station

a. Fueling station must be accessory to a principal use that is permitted within the zone, except that truck stops as the principal use shall be expressly prohibited.

b. Underground storage tanks and stormwater disposal shall not be located within the 1000-foot radius of a wellhead.

c. Pump islands and other fuel dispensing tanks (e.g. propane) shall be located at least 25 feet from the right-of-way line(s).

d. Fueling stations shall not exceed 8 pump sites. A pump site is one dispenser which may be double sided.

12. Maintenance / public works facility

a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.

13. Accessory caretaker's residence

a. The residence is an accessory use to the primary use and is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner’s property, building, and/or use.

b. Construction of the primary use shall occur previous to or simultaneous with the construction of the residential unit.

c. The caretaker's residence shall be limited in size to 1,000 square feet and shall be served with public water and sewer.

14. Emergency Housing & Shelters

a. The facility must be open 24 hours per day, 7 days per week.

b. The maximum number of residents in the facility is limited to the general capacity of the building.

c. Beds or rooms shall be assigned to specific residents.

d. On-site services such as laundry, hygiene, and meals are limited to the residents of the facility and shall not be available for drop-in use by non-residents.

e. The facility shall meet any applicable state and federal licensing requirements.

15. Transitional & Supportive Housing, 8 Beds or Less

a. The facility shall be limited to 8 or fewer residents, not including caregivers and staff.

b. The facility shall meet any applicable state and federal licensing requirements.

16. Transitional & Supportive Housing, More than 8 Beds

a. The facility should be limited to 50 or fewer housing units within a single facility or complex.

b. In order to prevent the concentration of facilities in one area of the City, the proposed facility must be distanced at least 3/4 mile from any other stand-alone emergency shelter or transitional and supportive housing, as measured from the nearest points of such properties.

c. The facility must be located within ¼ mile of a fixed transit route.

d. The facility shall meet any applicable state and federal licensing requirements.

17. Machine shop, plastic injection molding, sandblasting / cutting, & tool and dye making

a. The uses shall be completely enclosed within a building.

18. Welding / sheet metal shops

a. The welding / sheet metal shop use shall be completely enclosed within a building.

b. Open air welding shall be prohibited

19. Woodworking / cabinet manufacturing with and without retail sales showroom

a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

20. Research facility / laboratory

a. The research facility / laboratory use shall be completely enclosed within a building.

21. Recreational vehicle storage & self-service storage facility (mini storage)

a. Storage facilities shall be limited in size to a maximum area of seven (7) acres.

b. All storage shall be screened from view using:

i. Buildings or walls within a minimum height of ten (10) feet, with all exterior buildings and walls meeting architectural design standards as detailed in paragraph “k” below; and

ii. Decorative fences with a minimum height of 6 ft., in combination with evergreen trees spaced to provide a continuous screen within 15 years of planting, shall be permitted between breaks in building walls along the perimeter of the facility, provided that the fencing does not exceed 25% of the right-of-way frontage.

c. All storage shall be covered by a roof.

d. All driving, parking, and storage shall be located on an impervious surface approved by the City.

e. All drains shall be equipped with an oil-water separator.

f. Storage facilities shall install and maintain secure access control.

g. Entrance gates shall be of an ornamental design that is semi-sight obscuring.

h. Buildings shall be set back a minimum of 20 feet from the edge of right-of-way.

i. A Type II visual relief landscape buffer shall be required along all right-of-way

frontage.

j. The use of units shall be limited to storage only. No manufacturing assembly, or retails sales shall be permitted.

k. Architectural design standards:

i. Outward-facing, exterior building walls shall incorporate architectural detailing through use of varied materials and features, in a manner that breaks up large surfaces and provides spacing and articulation.

ii. Outward-facing walls shall incorporate articulation and divide large masses through such techniques including but not limited to building offsets, projections, modulation, recessed or projected entries, windows, canopies, etc.

22. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

23. Public utility transmission facility – EPF

a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

24. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
c. Must meet design standards as detailed in City Development Code §10-3F-4.
d. Small Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2I-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the C-2 (Freeway Commercial) District with the letters "CU" are permitted to locate in the C-2 zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific C-2 Conditional Uses.

1. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

10-2I-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in commercial zones may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections 10-2I-6 for setbacks and 10-2I-7 for maximum lot coverage:

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2I-6 Development Setbacks

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" shall apply.

C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2I-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

C-2 Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
All Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 60 percent	None

10-2I-8 Building Height

All buildings in the C-2 (Freeway Commercial) District shall comply with the following building height standards.

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2I-9 Building Orientation

A. Purpose. All of the following standards shall apply to new development within the C-2 Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the C-2 Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the C-2 zone are also required to comply with the standards outlined above in Section 10-2I-3 or 10-2I-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street or Interstate 90 and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. If vehicles are parked adjacent to Interstate 90, special landscaping standards identified in Article 10-3C shall apply. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2I-6.
2. All buildings shall have their primary entrance(s) oriented to a street or Interstate 90. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.
5. Large-scale retail establishments
    a. Large-scale retail establishments shall not be located on corner lots, unless smaller buildings (less than 50,000 gross square feet) are located between the large-scale retail establishment and the street
    b. Outparcels with non-large-scale retail establishments must be located between large-scale retail establishments and an arterial or collector street.
    c. Access & Traffic
        i. Large-scale retail establishments must have at least two approaches with the main approach located on an arterial or collector street;

ii. Vehicle access must be designed to accommodate peak traffic volumes;

iii. Site layout must provide access connections to adjacent parcels / uses; and

iv. Off-street parking, drives, and other vehicular areas cannot be placed between buildings and streets, if prohibited by the Development Code for the zone.

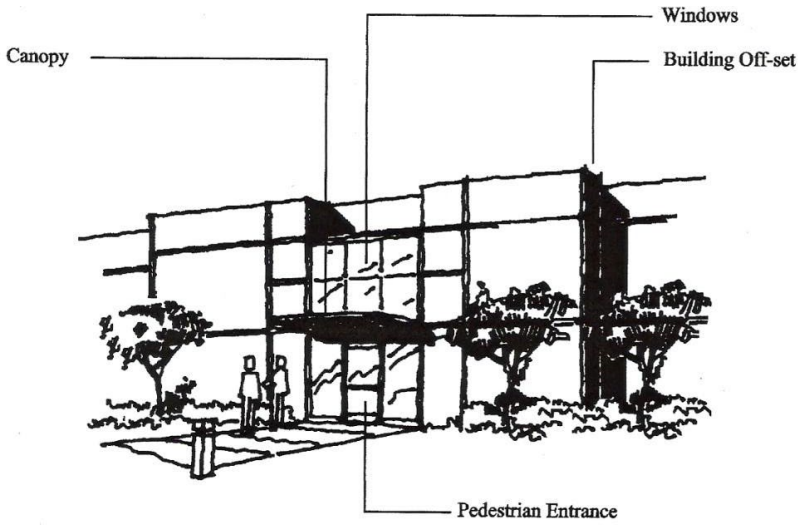
D. Variances. These standards shall not be changed through a Variance. The Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

10-2I-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the C-2 Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the C-2 zone are also required to comply with the standards outlined above in Section 10-2I-3 or 10-2I-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street) and along Interstate 90, as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up

and articulate large building surfaces and volumes.

b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design.

c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2. Design of Large-Scale Buildings and Developments.

All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground- floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

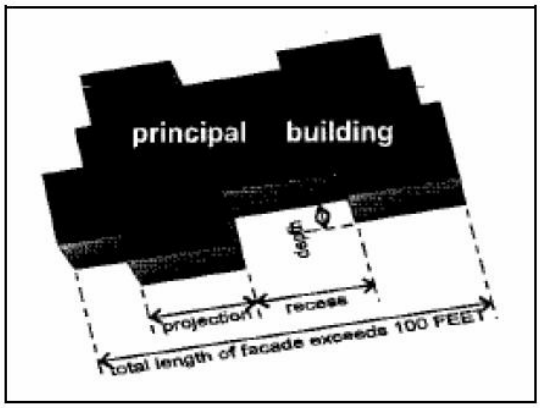
a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to the street right-of-way, in conformance with Article 10- 3B - Access and Circulation.

3. Large-Scale Retail Establishments

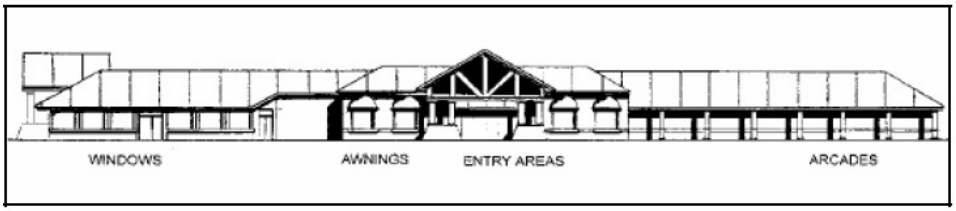
a. Building Elevations

i. Uninterrupted lengths of any elevation shall not exceed one hundred (100) horizontal feet.



(Drawing Source - Fort Collins, Colorado)

ii. Ground floor elevations that face a street (public or private) or that face Interstate 90 shall have arcades, display windows, entry ways, awnings, or other such features along no less than 60% of the horizontal length.



(Drawing Source - Fort Collins, Colorado)

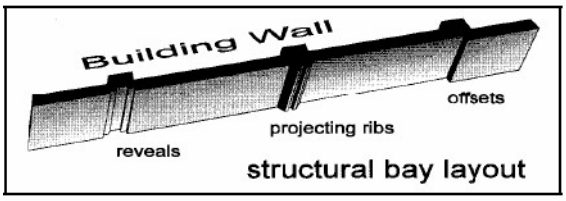
b. Building Facade - The front facade of the building must include a repeating pattern with at least three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

i. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib;

ii. Color change;

iii. Texture change; and / or

iv. Material module change.



(Drawing Source - Fort Collins, Colorado)

c. Entrances - Each building shall have clearly defined; highly visible customer entrances and each additional store located within a principal building shall have at least one separate exterior customer entrance. Entryways shall feature no less than three of the following design features:

i. canopies or porticos;

ii. overhangs;

iii. recesses/ projections;

iv. arcades;

v. raised corniced parapets over the door;

vi. peaked roof forms;

vii. arches;

viii. outdoor patios;

ix. display windows;

x. architectural details such as tile work and moldings which are integrated into the building structure and design; and / or

xi. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

d. Smaller Retail Stores - In addition to the entrance requirements above, when additional store(s), with less than fifty thousand (50,000) square feet, are located within a principal building, the facade of each additional store shall contain the following, as applicable:

i. Display windows between the height of three (3) feet and eight (8) feet above the walkway / sidewalk grade for no less than sixty percent (60%) of the horizontal length of each additional store facade; and

ii. Windows shall contain displays or be recessed and should include visually prominent sills, shutters, or other such forms of framing.

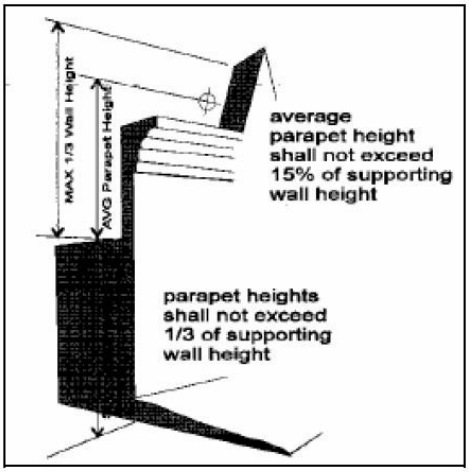
e. Roofs - Each building shall have at least two (2) of the following roof features:

i. Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapets shall not exceed one- third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatments;

ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

iii. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and / or

iv. Three (3) or more roof slope planes.



(Drawing Source - Fort Collins, Colorado)

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the C-2 Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake
    h. Painted corrugated metal
    i. Other materials determined acceptable by the Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Concrete Block - split faced, smooth
    e. Concrete Tilt-Up
    f. Wood

g. Vinyl - tile or shake only
h. Metal - tile or shake only
i. Painted corrugate metal (only with detailing)
j. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials
   a. Corrugated Metal
   b. T-111 (may be used when combined with detailing noted below)
   c. Vinyl Lap (may be used when combined with detailing noted below)
5. Detailing
   a. Brick
   b. Stone
   c. Wood or Timber
   d. Board and Batten
   e. Other materials determined acceptable by the Zoning Administrator
6. Colors
   a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
   b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
   c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2I-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the C-2 Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards

6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2J-1 **Purpose**

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

10-2J-3 **Limited Uses (L)**

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

10-2J-5 **Accessory Structures**

10-2J-6 **Development Setbacks**

10-2J-7 **Lot Area, Dimensions, and Coverage**

10-2J-8 **Building Height**

10-2J-9 **Building Orientation**

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

10-2J-11 **Design Standards**

10-2J-1 Purpose

The I Zone is intended provide a high-quality environment for businesses and employees with an emphasis on aesthetics, landscaping, and internal and community compatibility. This article guides the orderly development of light industrial areas based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide transportation options for employees and customers.

C. Compatibility between industrial uses and nearby residential areas.

D. Integrate appropriate design and landscape standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

E. Support the development of a campus-like setting.

10-2J-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the I (Light Industrial) District with the letter “P” are permitted in the I zone, without special action by the Hearing Body, subject to development standards of the I (Light Industrial) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2J-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the I (Light Industrial) District with the letter "L" are allowed in the I zone if they comply with the development standards of the I (Light Industrial) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific I Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Mobile food service establishments may be located on private property or adjacent parking in the public right-of-way as an accessory use, where a principal use has already been established.
    c. Mobile sales/concessions may be located in public right-of-way when associated with a community event with the approval of the adjacent property owner or business.
    d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.
3. **Parking structure**
    a. Parking structures shall be accessed from an alley, placed underground, placed within buildings, or located behind or to the side of a building.

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

4. Temporary construction / sales office

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

5. Tower

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

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

c. The tower shall not exceed 15 feet above the maximum height of the underlying zone.

d. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City or its successor agency can remove the easement.

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

6. Tower, private

a. The applicant shall show that the impact area (that area in all directions equal to the private tower's height above grade) is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.

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

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

7. Animal shelter / kennel

a. The structure(s) housing animals shall be adequately soundproofed to meet WAC 173-60.

b. There shall be no outside runs or areas, however an interior courtyard may be permitted if it is adequately soundproofed to meet WAC 173-60.

8. Child day-care center

a. Any outdoor play area shall be completely enclosed to a minimum height of 6 feet with a solid wall or fence.

b. The facility shall meet Washington State childcare licensing requirements and applicable building codes.

9. **Child day-care center (in a church or a school)**
    a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
    b. The facility shall meet Washington State childcare licensing requirements.
10. **General retail**
    a. Shall only be permitted when abutting or within an existing or permitted business.
11. **Personal care services (such as barber shops, hair and nail salons, tanning salons, etc.**
    a. Shall only be permitted when abutting or within an existing or permitted business.
12. **Restaurant / cafe / deli / ice cream parlor (without drive-thru)**
    a. Shall only be permitted when abutting or within an existing or permitted business.
    b. Outdoor seating shall be required.
    c. The facility shall meet Department of Health requirements and applicable building codes.
13. **Theater (performing arts)**
    a. Shall only be permitted when abutting or within an existing or permitted business.
14. **Maintenance / public works facility**
    a. All equipment shall be completely enclosed within a building or shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
15. **Accessory caretaker's residence**
    a. The residence is an accessory use to the primary use and is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner's property, building, and/or use.
    b. Construction of the primary use shall occur previous to or simultaneous with the construction of the residential unit.
    c. The caretaker's residence shall be limited in size to 1,000 square feet and shall be served with public water and sewer.
16. **Public utility local distribution facility**
    a. The utility shall secure the necessary property or right of way to assure the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
    b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.
    c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

17. Public utility transmission facility – EPF

a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

18. Small wireless communication facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2J-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the I (Light Industrial) District with the letters “CU” are permitted to locate in the I zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as “similar” to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific I Conditional Uses.

1. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

2. Macro wireless communication support tower

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

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

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

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

e. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.

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

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

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

i. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.

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

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

10-2J-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in industrial zones may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections 10-2J-6 for setbacks and 10-2J-7 for maximum lot coverage:

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2J-6 Development Setbacks

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2J-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and all other structures with surfaces greater than 30 inches above finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right -of-way.

I Land Use	*Lot Area*	*Lot Width / Depth*	*Lot Coverage*	*Residential Density*
All Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 60 percent	None

10-2J-8 Building Height

All buildings in the I (Light Industrial) District shall comply with the following building height standards.

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2J-9 Building Orientation

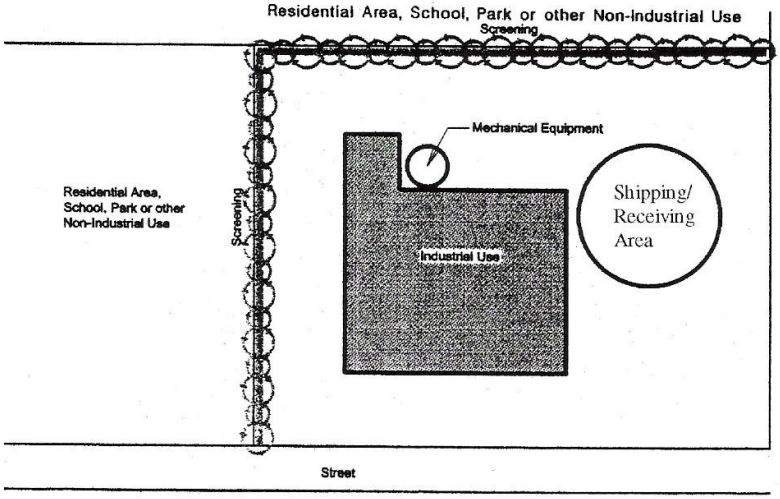
A. Purpose. All of the following standards shall apply to new development within the I Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the I Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the I zone are also required to comply with the standards outlined above in Section 10-2J-3 or 10-2J-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the

following criteria are met:

1. Compliance with the setback standards in Section 10-2J-6.
2. All buildings shall have their primary entrance(s) oriented to a street. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.



Industrial Orientation Example

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

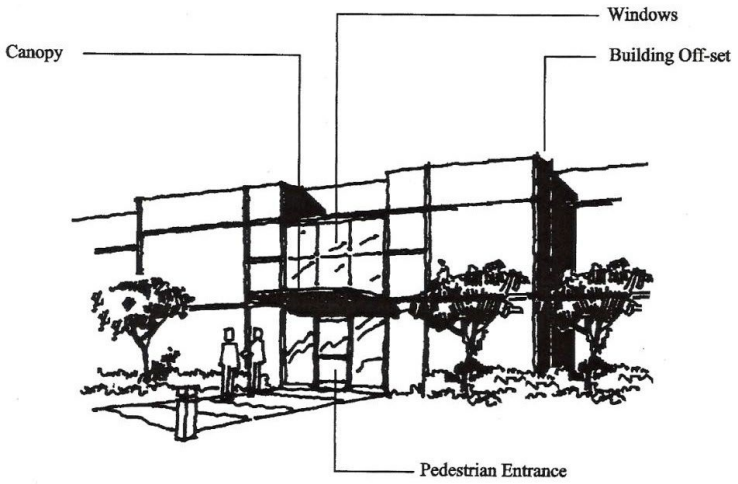
10-2J-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the I Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the I zone are also required to comply with the standards outlined above in Section 10-2J-3 or 10-2J-4. Buildings that do not require site

design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up and articulate large building surfaces and volumes.

   b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner. The main entrance(s) to buildings shall be clearly delineated through architectural design.

   c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2. Design of Large-Scale Buildings and Developments.

   All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b, below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground- floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

   a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and

use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a main building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) or for structural reasons may not be required to meet this standard; however alternatives to break up blank walls shall be provided. Pathways shall connect all public entrances to the street right-of-way, in conformance with Article 10- 3B - Access and Circulation.

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the I Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials
    a. Composition
    b. Composite Flat Roof
    c. Concrete tile
    d. Slate
    e. Cedar Shake
    f. Metal - tile or shake only
    g. Copper Shake
    h. Painted Corrugated Metal
    i. Other materials determined acceptable by the Zoning Administrator
2. Prohibited Roofing Materials
    a. Corrugated Metal
3. Acceptable Siding Materials
    a. Brick
    b. Stucco or Dryvit
    c. Cultured or Natural Stone
    d. Concrete Block - split faced, smooth
    e. Concrete Tilt-Up
    f. Wood
    g. Vinyl - tile or shake only
    h. Metal - tile or shake only

i. Painted corrugated metal (only with detailing)

j. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. Vinyl Lap (may be used when combined with detailing noted below)
5. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator
6. Colors
    a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
    b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
    c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2J-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the I Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards.

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

Sections:

10-2K-1 **Purpose**

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

10-2K-3 **Limited Uses (L)**

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

10-2K-5 **Accessory Structures**

10-2K-6 **Development Setbacks**

10-2K-7 **Lot Area, Dimensions, and Coverage**

10-2K-8 **Building Height**

10-2K-9 **Building Orientation**

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

10-2K-11 **Design Standards**

10-2K-1 Purpose

The P (Public / Semi-Public Institutional) District provides for a range of governmental, civic, and special district facilities, educational, and similar uses which provide public services to the City. The district's standards are based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide areas for required public services and facilities.

C. Compatibility between public / semi-public institutional uses and nearby residential areas.

D. Locations for public gathering, parks, and recreational uses.

10-2K-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letter "P" are permitted in the P zone, without special action by the Hearing Body, subject to development standards of the P (Public / Semi- Public Institutional) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2K-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letter "L" are allowed in the P zone if they comply with the development standards of the P (Public / Semi-Public Institutional) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10- 2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific P Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Animal shelter / kennel**
    a. Only temporary boarding permitted (48-hour maximum time).
3. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Only permitted during community events.
4. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
5. **Child day-care center (in a church or a school)**
    a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet
    b. The facility shall meet Washington State childcare licensing requirements.
6. **Public utility local distribution facility**
    a. The utility shall secure the necessary property or right of way to assure the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.
    b. The utility shall comply with all landscaping and screening requirements, as

detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

7. Public utility transmission facility – EPF

a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

8. Small Wireless Communication Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.

c. Must meet design standards as detailed in City Development Code §10-3F-4.

d. Small wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2K-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the P (Public / Semi-Public Institutional) District with the letters “CU” are permitted to locate in the P zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing

excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4) and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

C. Requirements for Specific P Conditional Uses.

1. Detention facility – EPF

a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

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

2. Prison / correctional facility – EPF

a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

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

3. Commercial composting storage / processing facility – EPF

a. The minimum lot area is 10 acres.

b. The conditional use permit may be revoked if air quality standards are not maintained.

c. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

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

4. Incinerator – EPF

a. The minimum lot area is 5 acres.

b. Adequate paved ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.

c. An on-site circulation plan shall be submitted, for review and approved by the City.

d. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

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

5. **Landfill – EPF**
    a. The minimum lot area is 15 acres.
    b. The minimum distance of disposal operations shall be 350 feet from existing residences.
    c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan after disposal terminates.
    d. The conditional use permit may be revoked by the Hearing Examiner if the landfill operation is found in violation of any local, state, or federal regulation related to the landfill operation.
    e. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
    f. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.
6. **Recycling collection center**
    a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
    b. The site shall either be bermed with landscaping to preclude viewing from adjacent properties and/or fenced with a sight-obscuring fence as determined by the Zoning Administrator.
7. **Solid waste transfer site – EPF**
    a. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
    b. The site shall either be bermed with landscaping to preclude viewing from adjacent properties and/or fenced with a sight-obscuring fence as determined by the Zoning Administrator.
    c. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
    d. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.
8. **Power plant – EPF**
    a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.
    b. The use shall be subject to restrictions and conditions as may be imposed by the Hearing Examiner under Article 10-4H.
9. **Sewage treatment plant – EPF**
    a. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

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

10. Macro wireless communication antenna array

Prior to issuance of a building permit, the applicant shall have demonstrated compliance with the conditions and standards set forth herein:

a. The maximum height of the mounted antenna shall not exceed 20 feet above the height of the existing building or structure upon which it is mounted. The height of an antenna array mounted on a wireless communication support tower or alternative tower structure shall be included in the vertical measurement use to calculate the maximum allowable height of the support structure.

b. The applicant shall provide a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements, and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC. Interferences with public broadcast transmissions to the local community is prohibited.

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

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

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

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

g. No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

h. No artificial lights other than those required by FAA or other applicable authority shall be permitted, and that any security lights shall be down shielded, and shall be positioned, placed, constructed, or used so as not to illuminate directly any adjacent lot, building, or structure or portion thereof.

i. The owner of the antenna array shall notify the City when the antenna array is no longer operating as part of a wireless communication system authorized and licensed by FCC. Within 6 months of the date the antenna array ceases to operate as part of an authorized system, the antenna array must be removed from the site, or when the technology becomes obsolete and is no longer utilized.

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

11. Macro wireless communication support tower

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

b. The tower shall have a locking trap door, or the climbing apparatus shall stop 12

feet short of the ground.

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

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

e. The applicant shall show that the impact area (that area in all directions equal to the tower's height above grade), as designed and certified by a registered engineer, is completely on the subject property or that an easement(s) has been secured for all property in the tower's impact area. Such easement(s) shall be recorded with the County Auditor with a statement that only the City can remove the easement.

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

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

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

i. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. The applicant shall have provided a certified statement from a licensed radio frequency (RF) engineer demonstrating need within network buildout and a report of radio frequency (RF) emissions existing at occupancy, maximum future projected emission measurements and cumulative emissions from multiple antenna arrays located on the same structure or wireless communication support tower are all within the standards required by FCC.

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

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

10-2K-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections 10-2K-6 for setbacks and 10-2K-7 for maximum lot coverage:

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2K-6 Development Setbacks

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2K-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

P Land Use	*Lot Area*	*Lot Width / Depth*	*Lot Coverage*	*Residential Density*
All Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 60 percent	None

10-2K-8 Building Height

All buildings in the P (Public / Semi-Public Institutional) District shall comply with the following building height standards.

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2K-9 Building Orientation

A. Purpose. All of the following standards shall apply to new development within the P Zone in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling, and transit use.

B. Applicability. This section applies to all buildings in the P Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the P zone are also required to comply with the standards outlined above in Section 10-2K-3 or 10-2K-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the

following criteria are met:

1. Compliance with the setback standards in Section 10-2K-6.
2. All buildings shall have their primary entrance(s) oriented to a street. Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.

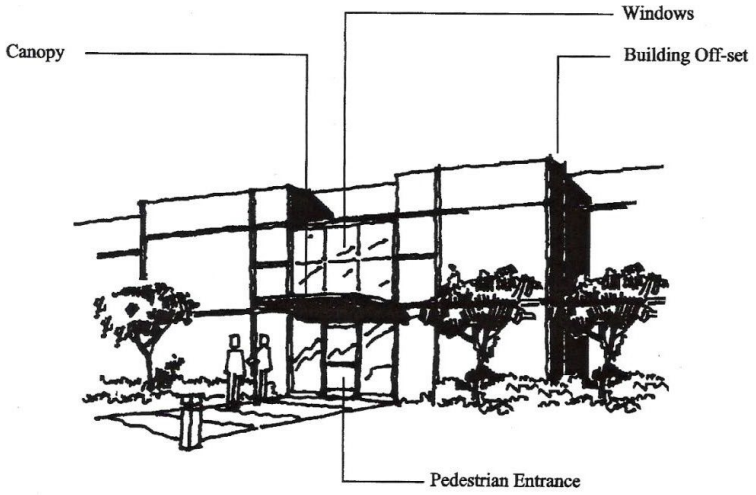
D. Variances. These standards shall not be changed through a Variance. The Zoning Administrator may allow the standard to be varied from to address topographic or other physical constraints.

10-2K-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the P Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the P zone are also required to comply with the standards outlined above in Section 10-2K-3 or 10-2K-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.



1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

   a. Incorporate architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, to break up and articulate large building surfaces and volumes.

   b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

   c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2. Design of Large-Scale Buildings and Developments.

   All large-scale buildings and developments shall provide human-scale design by conforming to the standards in subsections a & b below. Large-scale buildings and developments are buildings with greater than 20,000 square feet of enclosed ground- floor space (i.e., “large-scale”) or multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

   a. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements and should not be interpreted as a required architectural style.

   b. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building

entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Article 10-3B - Access and Circulation.

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/ additions to existing projects in the P Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials

a. Composition
b. Composite Flat Roof
c. Concrete tile
d. Slate
e. Cedar Shake
f. Metal - tile or shake only
g. Copper Shake
h. Painted corrugated metal
i. Other materials determined acceptable by the Zoning Administrator

2. Prohibited Roofing Materials

a. Corrugated Metal

3. Acceptable Siding Materials

a. Brick
b. Stucco or Dryvit
c. Cultured or Natural Stone
d. Concrete Block - split faced, smooth
e. Concrete Tilt-Up
f. Wood
g. Vinyl - tile or shake only
h. Metal - tile or shake only
i. Painted corrugated metal (only with detailing)
j. Other materials determined acceptable by the Zoning Administrator

4. Prohibited Siding Materials

a. Corrugated Metal
b. T-111 (may be used when combined with detailing noted below)

c. Vinyl Lap (may be used when combined with detailing noted below)

5. Detailing

a. Brick

b. Stone

c. Wood or Timber

d. Board and Batten

e. Other materials determined acceptable by the Zoning Administrator

6. Colors

a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;

b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and

c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10-2K-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the P Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation

2. Article 10-3C - Landscaping, Street Trees, Fences and Walls

3. Article 10-3D - Vehicle and Bicycle Parking

4. Article 10-3E - Signage Standards

5. Article 10-3F - Other Design Standards

6. Article 10-3G - Public Facilities Standards

7. Article 10-3H - Stormwater Management

8. Article 10-3I - Property Maintenance Standards

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

Sections:

10-2L-1 **Purpose**

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

10-2L-3 **Limited Uses (L)**

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

10-2L-5 **Accessory Structures**

10-2L-6 **Development Setbacks**

10-2L-7 **Lot Area, Dimensions, and Coverage**

10-2L-8 **Building Height**

10-2L-9 **Building Orientation**

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

10-2L-11 **Design Standards**

10-2L-1 Purpose

The O (Open Space / Recreation) District provides for a range of open area spaces and recreational uses such as public/ private parks, campgrounds, public and privately owned facilities such as golf courses and their associated uses, and similar uses which retain open space. The district's standards are based on the following principles:

A. Ensure efficient use of land and urban services.

B. Provide areas for parks, recreational, and associated uses.

C. Compatibility between open space and recreation uses and nearby residential areas.

D. Protect natural and open space areas to preserve the aesthetics of the City.

10-2L-2 Permitted Uses (P)

A. Permitted Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the O (Open Space / Recreation) District with the letter "P" are permitted in the O zone, without special action by the Hearing Body, subject to development standards of the O (Open Space / Recreation) District, and other applicable portions of this Code. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted.

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

10-2L-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the O (Open Space / Recreation) District with the letter "L" are allowed in the O zone if they comply with the development standards of the O (Open Space / Recreation) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

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

C. Requirements for Specific O Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.
    c. A minimum aisle width of 6 feet shall be maintained between booths or displays.
2. **Mobile sales / concessions**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
    b. Only permitted during community events.
3. **Temporary construction / sales office**
    a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
4. **Athletic club / exercise facility / gym**
    a. Only allowed on privately owned property.
5. **Community center / hall / club**
    a. Only allowed on privately owned property.
6. **Participant and spectator sports facilities**
    a. Only allowed on privately owned property.
    b. Gun and archery ranges, racetracks, or riding facilities (animal or motorized vehicle oriented), paintball facilities, stadiums, arenas, and water or amusement parks are prohibited.
    c. All lighting shall be directed downward.
    d. The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.

e. A 20-foot minimum landscaped buffer zone shall be required between facility and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer may contain pedestrian seating but shall not contain any lighting, except for low intensity landscape lighting, trash receptacles or storage of equipment, materials, vehicles, etc.

f. The maximum building footprint area shall be 15,000 square feet or less.

7. General retail

a. Only allowed when associated with a permitted and approved golf course or other permitted or conditionally approved community recreation facility.

8. Restaurant, cafe, deli, or ice cream parlor (without drive-thru)

a. Only allowed when associated with a permitted and approved golf course or other permitted or conditionally approved community recreation facility.

9. Tavern / pub / liquor store

a. Only allowed when associated with a permitted and approved golf course.

10. Theater (performing arts)

a. Only allowed when associated with a permitted or conditionally approved community recreation facility.

b. The theater shall not be located within an entirely enclosed structure.

11. Maintenance / public works facility

a. Only allowed when associated with a permitted and approved golf course.

12. Accessory caretaker's residence

a. The residence is an accessory use to the primary use and is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner's property, building, and/or use.

b. Construction of the primary use shall occur previous to or simultaneous with the construction of the residential unit.

c. The caretaker's residence shall be limited in size to 1,000 square feet and shall be served with public water and sewer.

13. Public utility local distribution facility

a. The utility shall secure the necessary property or right of way to assure the proper construction, maintenance, and general safety of properties abutting the public utility local distribution facility.

b. The utility shall comply with all landscaping and screening requirements, as detailed in City Development Code §10-3C, unless a valid public safety and security reason for not installing said landscaping can be demonstrated by the utility.

c. The utility shall implement all mitigation measures as may be identified through the SEPA review for the project as a condition of permitting.

14. Small Wireless Communication Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, a wireless only pole shall be permitted.

b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small wireless facilities.
c. Must meet design standards as detailed in City Development Code §10-3F-4.
d. Small Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

10-2L-4 Conditional Uses (CU)

A. Conditional Uses. The land uses listed in the Zoning Matrix (Section 10-2A-4) under the O (Open Space / Recreation) District with the letters "CU" are permitted to locate in the O zone only after a public hearing and the decision to grant a permit (conditional use permit) imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against excessive interference with other permitted uses or imposing excessive demands upon public utilities and facilities as determined by the Hearing Body. Conditional use permits require a public hearing before the Hearing Examiner. Only land uses which are specifically listed in the Zoning Matrix (Section 10-2A-4), and land uses which are approved as "similar" to those in the Zoning Matrix (Section 10-2A-4), may be permitted as conditional uses.

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

10-2L-5 Accessory Structures

Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures may include storage sheds, workshops, green houses, and similar structures, but do not include cargo containers, which are not permitted. Accessory structures shall comply with all of the following standards and Sections 10-2L-6 for setbacks and 10-2L-7 for maximum lot coverage:

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

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

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

D. Buffering. A minimum 6-foot sight-obscuring fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is already provided, the distance to adjacent dwelling(s) is greater than 50 feet, or the buffer requirement is waived in acknowledged writing by abutting property owners.

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

10-2L-6 Development Setbacks

Building setbacks provide building separation for fire protection/security, building maintenance, sunlight, and air circulation, noise buffering, and visual separation.

Building setbacks are measured from perimeter of the structure to the respective property line. The setback standards, as listed below, apply to primary structures as well as accessory structures, unless otherwise specified above for Limited or Conditional Uses. A Variance is required in accordance with Article 10-5B to modify any setback standard. If an existing border easement is in place, the setback is measured from the back of the border easement.

A. Front Yard Setbacks

1. The minimum front yard setback shall be 20 feet.

B. Rear Yard Setbacks

1. The minimum rear yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet. (includes accessory structures).
2. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.

C. Side Yard Setbacks

The minimum interior side yard setback shall be 5 feet, except that buildings shall be setback from Residential Zones by a minimum of 20 feet (includes accessory structures). The minimum flanking street yard (street corner yards) setback shall be 15 feet. Additionally, buildings shall conform to the vision clearance standards in Section 10-3B-2, subsection N, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. Other Yard Requirements

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent Residential Zone to reduce light, glare, noise, and aesthetic impacts. The buffer zone shall provide landscaping to screen parking, service, and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Article 10-3C may require buffering other situations, as well.

2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Article 10-3B - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
4. Walls and Fences. Walls and fences may be placed on property lines, subject to the standards in Article 10-3C - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 10-3B-2, subsection N.

E. Special Yards - Distance Between Buildings on the Same Lot
To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least 6 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

10-2L-7 Lot Area, Dimensions, and Coverage

A. Maximum Lot Coverage. "Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 30 inches above the finished grade. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

B. Restrictions. Structures shall not be placed over an easement that prohibits such placement or encroach into the public right-of-way.

O Land Use	***Lot Area***	***Lot Width / Depth***	***Lot Coverage***	***Residential Density***
All Uses	Minimum area: None Maximum area: None	Minimum Width: 50 feet at front property line Maximum Depth: None	Maximum: 25 percent	None

10-2L-8 Building Height

All buildings in the O (Open Space / Recreation) District shall comply with the following building height standards.

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

B. Method of Measurement. "Building height" is measured as the vertical distance 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.

10-2L-9 Building Orientation

A. Purpose. All of the following standards shall apply to new development within the O Zone in order to reinforce streets as public spaces, encourage alternative modes of transportation, such as walking, bicycling, and transit use, and promote the preservation of open space.

B. Applicability. This section applies to all buildings in the O Zone that require Site Design Review (see Section 10-4C-2), except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses). Limited and Conditional Uses within the P zone are also required to comply with the standards outlined above in Section 10-2L-3 or 10-2L-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Building orientation standards. All buildings which are subject to this Section shall be oriented to a street and shall be configured to provide the majority of the parking in a rear, side, or interior parking area. Pedestrian pathways shall be provided from the street right-of-way to parking areas between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 10-2L-6.
2. All buildings shall have their primary entrance(s) oriented to a street. Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Article 10-3B - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
3. The majority of the off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets, unless otherwise permitted by this Code. Refuse enclosures shall be oriented away from adjacent structures to the greatest extent practical and shall not be placed between buildings and streets. Refuse enclosures shall be screened with a wall of not less than 6 feet in height, as outlined in Section 10-3C-3, subsection H.
4. On corner lots, buildings and their entrances shall be oriented to the street corner, whenever possible and parking, driveways and other vehicle areas should not be placed between buildings and street corners.
5. Preservation of open space shall be considered when locating buildings.

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

10-2L-10 Architectural Guidelines and Special Standards

A. Purpose. The architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all buildings in the O Zone that require Site Design Review (see Section 10-4C-2). Limited and Conditional Uses within the O zone are also required to comply with the standards outlined above in Section 10-2L-3 or 10-2L-4. Buildings that do not require site design review are encouraged to incorporate these standards.

C. Standards. All buildings which are subject to this Section shall comply with all of the following standards. Various building styles and designs can be used to comply, so long as they are consistent with the text of this section.

1. Detailed Design.

   All buildings shall provide detailed design along the front building elevation (i.e., facing the street) and other elevations that are regularly viewed by the public, as applicable.

   a. Incorporate architectural features such as windows, pedestrian entrances, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up- lighting), building off-sets, projections, detailing, changes in materials or similar features, or changes in building direction shall be used to break up and articulate large building surfaces and volumes.

   b. Corner building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

   c. Pedestrian-scale building entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

   d. Incorporate natural elements or community themes in the building design.

   e. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Article 10-3B - Access and Circulation.

D. Materials & Colors. All proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. The following materials and colors apply to new construction projects or remodels/additions to existing projects in the O Zone, and the color standards shall also apply to tenant improvements:

1. Acceptable Roofing Materials

   a. Composition

   b. Composite Flat Roof

   c. Concrete tile

d. Slate
e. Cedar Shake
f. Metal - tile or shake only
g. Copper Shake
h. Other materials determined acceptable by the Zoning Administrator

2. Prohibited Roofing Materials
    a. Corrugated Metal
    b. Acceptable Siding Materials
    c. Brick
    d. Stucco or Dryvit
    e. Cultured or Natural Stone
    f. Concrete Block - split faced, smooth
    g. Concrete Tilt-Up
    h. Wood
    i. Vinyl - tile or shake only
    j. Metal - tile or shake only
    k. Other materials determined acceptable by the Zoning Administrator
3. Prohibited Siding Materials
    a. Corrugated Metal
    b. T-111 (may be used when combined with detailing noted below)
    c. Vinyl Lap (may be used when combined with detailing noted below)
4. Detailing
    a. Brick
    b. Stone
    c. Wood or Timber
    d. Board and Batten
    e. Other materials determined acceptable by the Zoning Administrator
5. Colors
    a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
    b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and
    c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards.

Corporate / trademark colors can be used on signage.

10-2L-11 Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

A. Additional Design Standards. In addition to the standards outlined in this article, development within the O Zone will require compliance with the following and other applicable portions of this Code:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

Article 10-2M — Specific Area Plan Overlays

Sections:

10-2M-1 **Purpose**

10-2M-2 **Specific Area Plan Maps**

10-2M-3 **Specific Area Plan Text**

10-2M-4 **Criteria for Establishing Specific Area Plan Districts**

10-2M-5 **Specific Area Plan Overlay Districts Adopted**

10-2M-1 Purpose

Specific area plan overlay districts ("specific plans") 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. Some of the characteristics of specific plans are:

A. Designation of site-specific land uses (e.g., for individual parcels);

B. Design standards or a development style specific to a geographic area (e.g., Transit Oriented Development);

C. Detailed description of public facilities needed to serve development;

D. The plan is adopted through a consensus-based process involving property owners;

E. Streamlined development review for projects that are part of the plan; and

F. May include intergovernmental agreements and complimentary zoning for sites that cross jurisdictional boundaries (e.g., between city and county).

Specific plans usually focus on some unique feature of the site, such as natural resources, economic activity, or desired neighborhood character. Specific plans may be used for large undeveloped areas, or partially developed areas with potential for infill and redevelopment.

Specific plans do not require phasing or a timeframe for development, and an application for future development (i.e., subdivision and/or site plan) need not accompany the application for specific plan approval. However, all land use applications for property within the specific plan area are required to comply with the specific area plan overlay districts policies and regulations.

10-2M-2 Specific Area Plan Maps

Specific Area Plan Overlay District ordinances shall include the following plan maps:

A. Boundary Map. A boundary map shall be prepared for every Specific Area Plan Overlay District.

The boundary map (i.e., based on parcel boundaries or other surveyed boundaries) shall be used to delineate areas of the district that lie within the city's boundaries on the official zoning map. The zoning map shall identify such areas as "SAP", and reference the applicable specific area plan ordinance.

B. Specific Area Plan Map. A Specific Area Plan Map shall designate the land use types and intensities permitted within the overlay district. The plan shall identify areas for the following land uses, as applicable:

1. Residential
2. Commercial
3. Industrial
4. Mixed use
5. Open Space
6. Other

The plan shall identify sufficient area for any needed parks, schools, libraries and other public and facilities based on the City's Comprehensive Plan and other applicable policies and plans.

C. Conceptual Development Plan. The Specific Area Plan shall provide a conceptual development plan, with maps indicating the following features:

1. Blocks. A map with the general location and configuration of all blocks (i.e., areas bounded by streets).
2. Residential Land Use. A map with proposed residential densities, permitted housing types, and general lot patterns. Specific lot patterns shall be refined during land division approval.
3. Transportation Plan. A transportation plan map shall indicate future street connections to existing streets, and connections within the plan area. At a minimum, the plan shall indicate the general alignment of collector and arterial streets, and potential local access street connections. Final street alignments and design shall be subject to final engineering approvals. The plan shall also indicate the location of bicycle, pedestrian, and transit improvements that are necessary to serve the area, in conformance with Article 10-3B and 10-3G.
4. Preliminary Grading and Utilities Plan. The preliminary grading and utilities plan shall indicate the extent of grading (i.e., cuts and fills) and the general alignment and sizing of major utility lines necessary to serve the area, including sanitary sewer, water, and storm drainage. Actual utility alignments and design shall be subject to engineering approvals through the land division and/or site design review process.

10-2M-3 Specific Area Plan Text

Specific Area Plan Overlay District ordinances shall set forth the following provisions and standards:

A. Name and Purpose of Overlay District. This section shall describe the overlay district in sufficient detail as to clarify the purpose and intent of the overlay district regulations.

B. Implementation. This section shall describe the required land use application process for development within the overlay district, including any modifications to the procedures in Chapter 4 (e.g., Type I or Type II application versus Type III, etc.). This section shall also reference intergovernmental agreements that apply to the plan area (i.e., when part of the plan area lies outside of the City, within an unincorporated area).

C. Land Use & Development Standards. This section shall specify the City Development Code requirements that will be applicable or tailored to the SAP (based on Ch.1, Ch.2, Ch.3, and Ch.6). The existing zones contained within the SAP overlay area shall be identified and an itemized list of proposed modifications to each of the items listed below shall be included at the beginning of this section. Please compare proposed changes to existing zoning standards. The standards proposed to be used for the SAP Overlay shall apply to the entire project duration, unless an amendment is proposed, as described in Section 10-2M-6 below. Subsequent changes to the City Development Code after the SAP Overlay proposal is approved shall not apply to the project.

1. Definitions. Specify any definitions not included in the City Development Code or that will differ from the City Development Code for the SAP.
2. Land Uses. Identify permitted and prohibited land uses, and uses with special requirements or review procedures (i.e., site design review, conditional use, etc.).
3. Accessory Structures. Identify whether or not accessory structures will be permitted and if they are permitted, what the height and other standards will be.
4. Development Setbacks. Identify required building setbacks for front, side, rear, and flanking yards, as well as setback exceptions and special yards, as applicable.
5. Lot Area, Dimensions, Coverage, & Residential Density. Identify minimum / maximum lot area, minimum / maximum lot width & depth, minimum lot coverage, and minimum / maximum residential density, as applicable.
6. Building Height. Identify the building height standards and method of measurement.
7. Building Orientation. Identify the building orientation standards for interior and corner lots, as well as specific use, as applicable.
8. Architectural Guidelines and Special Standards. Identify the overall detailed design and human scale components as well as components for specific uses, along with permitted / prohibited building materials (roof, siding, and detailing) and permitted / prohibited colors, as applicable.
9. Pedestrian and Transit Amenities. Identify the pedestrian and transit amenities that will be incorporated into the SAP site and/or specific buildings, as applicable.
10. Identify any portion of the SAP that is proposed to be different from the requirements of Chapter 3 (i.e. parking, landscaping, lighting standards, etc.), as applicable.
11. Identify if any portion of the site contains Critical Areas and any SAP standards that are proposed to be different from the requirements of Chapter 6, as applicable.

The criteria in Section 10-2M-4 shall be used in creating land use and development standards.

D. Additional Information

1. All SAP applications must include an analysis of the number of dwelling units permitted under the original (pre-SAP) zoning. Although it is not possible to compute a concrete, single figure, this analysis will make estimates, based on reasonable assumptions about

open space percentage, street coverage percentage, etc.

2. All SAP applications must include a binding minimum and maximum number of dwelling units that the SAP will include. These numbers may be higher or lower than the number of dwelling units contemplated under the original zoning.
3. All SAP applications must include the proposed amount of open space (i.e. maintained parks, natural areas, etc.)

10-2M-4 Criteria for Establishing Specific Area Plan Overlay Districts

The adoption of the Specific Area Plan Overlay District ordinance shall conform to the following standards and procedures:

A. Comprehensive Plan Amendment and/or Zoning District Change Required. Specific Area Plan Overlay Districts are adopted by ordinance as an amendment to both the Comprehensive Plan and Chapter 2 (Zoning Districts) of this code; except that only a zoning district change shall be required when the specific area plan is consistent with the Comprehensive Plan. Specific area plans that cover unincorporated areas within the UGA shall also require amendment to Spokane County's Comprehensive Plan and/or Zoning and shall comply with the Countywide Planning Policies for joint planning.

B. Specific Area Plan Overlay District Criteria. Specific Area Plan Overlay Districts shall meet the following minimum standards for adoption, in addition to the amendment criteria in Article 10-4F:

1. Specific Area. The overlay district is necessary to provide land use or development standards tailored to a specific geographic area and development program, that cannot otherwise be provided through conventional zoning.
2. Land Use Compatibility. The overlay district provides equal or greater compatibility with surrounding land uses than what would likely occur with conventional zoning.
3. Critical Areas. The overlay district provides equal or greater protection to critical areas than what would likely occur with conventional zoning.
4. Efficient Land Use. The overlay district promotes efficient land use by allowing housing and commercial development at densities that are equal to or greater than the densities that would be allowed with conventional zoning. The overlay district may provide for density transfers or transferable development rights as a method of providing efficient land use while protecting critical areas.
5. Land Use and Transportation Relationship. The overlay district provides equal or greater opportunities for alternative modes of transportation (e.g., walking, bicycling, transit) than what would likely occur with conventional zoning by:
    a. encouraging or requiring mixed use development where applicable;
    b. providing a master plan with direct and convenient pedestrian and bicycle connections between all land uses; and
    c. providing for transit service where applicable.
6. Design Standards. The design standards of Chapters 2 and 3 shall apply to all development, unless the SAP provides development design standards (see 10-2M-3C

above) that are equal to or greater than the standards that would be required with conventional zoning (e.g., building orientation, parking, open space, architectural guidelines, etc.). Development standards specified in the SAP ordinance are binding, and take precedence over standards in Chapter 2 or 3.

10-2M-5 Specific Area Plan Overlay Districts Adopted

- SAP-06-0001 (Liberty Village - 100 Acres, SE Corner of Appleway Ave. & Simpson Rd.)
- SAP-08-0001 (River District - 650 Acres, N. of I-90, S. of Spokane River)

10-2M-6 Specific Area Plan Overlay District Amendment

SAP amendment review shall follow the process for Minor and Major Modifications identified in City Development Code Article 10-4F - Modifications to Approved Plans and Conditions of Approval.

CHAPTER 3

DESIGN AND MAINTENANCE STANDARDS

CONTENTS

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Article 10-3A — Design Standards Administration

Sections:

10-3A-1 **Applicability**

10-3A-2 **Types of Design Standards**

10-3A-1 Applicability

All developments within the City must comply with the provisions of Chapter 3, as well as the article within Chapter 2 for the zone the development is located. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply.

10-3A-2 Types of Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

A. Chapter 3. The design standards contained within the following articles apply throughout the City, for all land use types:

1. Article 10-3B - Access and Circulation
2. Article 10-3C - Landscaping, Street Trees, Fences and Walls
3. Article 10-3D - Vehicle and Bicycle Parking
4. Article 10-3E - Signage Standards
5. Article 10-3F - Other Design Standards
6. Article 10-3G - Public Facilities Standards
7. Article 10-3H - Stormwater Management
8. Article 10-3I - Property Maintenance Standards

B. Chapter 2. Each zoning district (Chapter 2) provides design standards that are specifically tailored to the zoning district. For example, the R-1 (Single Family Residential) District contains building design guidelines that are different than those provided in the M-1 (Neighborhood Center Mixed-Use) District, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

Article 10-3B — Access and Circulation

Sections:

10-3B-1 **Purpose**

10-3B-2 **Vehicular Access and Circulation**

10-3B-3 **Pedestrian Access and Circulation**

10-3B-1 Purpose

The purpose of this article is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 10-3B-2 provides standards for vehicular access and circulation. Section 10-3B-3 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Article 10-3G.

10-3B-2 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this article is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways, as required by the City's Transportation Improvement Program. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local access streets and driveways provide access to individual properties. Alleys can provide secondary access to properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This article attempts to balance the right of reasonable access to private property with the rights of all citizens. It also requires all developments to construct planned streets (arterials and collectors) and to extend local access streets. Also see Article 10-3G.

To achieve this policy intent, roadways have been categorized in the Comprehensive Plan by function and classified for access purposes based upon their level of importance and function, (see Article 10-3G). Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and preventing the unplanned subdivision of land.

B. Applicability. This article shall apply to all vehicular access and traffic circulation within the City and to all abutting properties.

C. Approach Permit Required. Access to a public street requires an Approach Permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this article, the provisions of Article 10- 3G, and other applicable City Engineering Design Standards. An approach permit may be in the form of a permit issued by the City, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to State highways shall be subject to review and approval by Washington Department of Transportation (WSDOT).

D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional engineer licensed in the State of Washington to determine access, circulation and other transportation requirements or participation in an established traffic mitigation plan shall be required. (See also, Article 10-3G)

E. Conditions of Approval. The City may, in the case of new development along arterial or collector streets, require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an approach permit. Access to and from off-street parking areas shall not permit backing onto a public street, except in Residential Zones.

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Limited or Conditional Uses").

1. Option 1. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
2. Option 2. Access is from a public street adjacent to the development parcel. If practical, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section 10-3B-2, subsection Section G, below.
3. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots.
4. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in Residential Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in Residential Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Important cross-references to other code sections:
Chapters 2 and 3 may require buildings placed at or near the front property line and driveways

and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted Transportation Plan. (Please refer to Article 10-3G)

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

1. Local Access Streets. A minimum of 50 feet separation between driveways and a minimum of 150 feet between intersections (as measured from the edge of the driveway / intersection) shall be required on local access streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below or unless a shared driveway, as outlined in Section 10-3B-2, subsection "I" below, is utilized. Single family, two-family, and three-family uses may not be required to comply with the 50-foot minimum separation, however compliance with Section 10-3B-2, subsection "K" below shall be required.

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

2. Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation Improvement Plan and applicable Engineering Design standards. A minimum of 300 feet separation between driveways shall be required on arterial streets and a minimum of 150 feet separation between driveways shall be required on collector streets. A minimum of 300 feet separation between intersections on arterial and collector streets shall be required.

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

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

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Zoning Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1 and 2, may be required by the City, County, or WSDOT for the purpose of protecting the function, safety, and operation of the street for all users (see Section 10-3B-2, subsection 'I', below). Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

H. Number of Access Points. For all housing types, except multi-family, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 10-3B-2, subsection 'G', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the street(s) and sidewalk(s)

for all users. Shared access may be required, in conformance with Section 10- 3B-2, subsection 'I', below, in order to maintain the required access spacing, and minimize the number of access points.

I. Shared Driveways. Except for single family residential, the City shall require shared driveways as a condition of land division or site design review, as applicable and feasible, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Article 10-4D) or as a condition of site development approval (Article 10-4C).
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

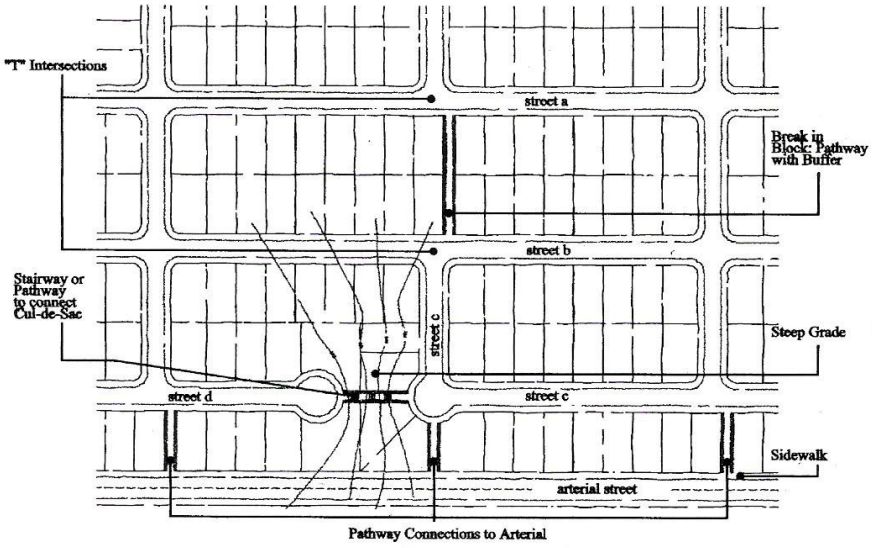
1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed: 600 feet length and 1,600 feet perimeter in Residential and Mixed-Use Zones.
2. Street Standards. Public and private streets shall also conform to Article 10-3G, Section 10-3B-3 - Pedestrian Access and Circulation, and applicable Americans With Disabilities Act (ADA) design standards.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 10-3B-3. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. The block length and perimeter standards may not apply when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent construction in conformance with the standards If a single use requires a parcel larger than the block formation allows, an exception may be granted.

Street Connectivity and Formation of Blocks

Standard Blocks



Exceptions



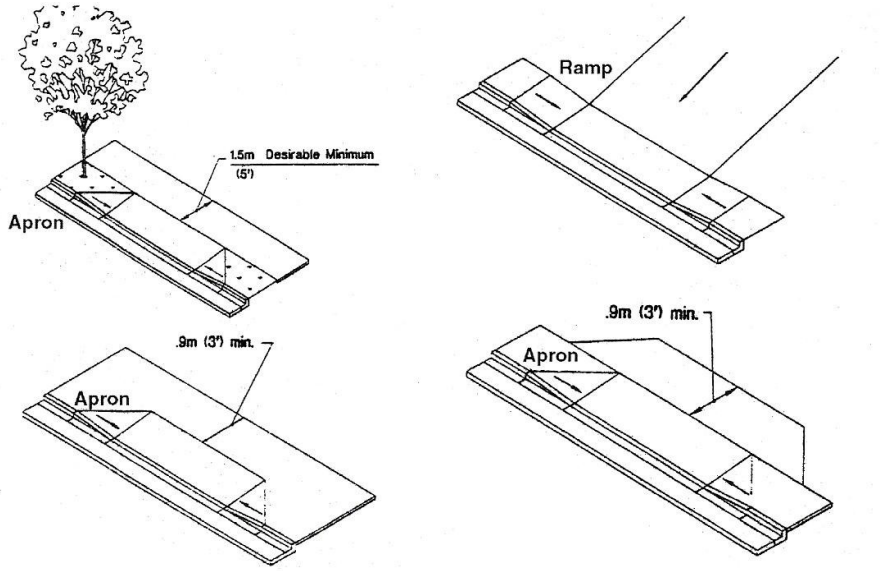
K. Driveway Openings. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes and shall comply with the City of Liberty Lake Engineering Design Standards. The following standards (i.e., as measured where the front property line meets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

1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 30 feet
2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 30 feet.
3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Zoning Administrator determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
4. Driveway widths for all other uses shall not exceed 35 feet, except that driveways

providing direct access to parking spaces shall conform to the parking area standards in Article 10-3D, or unless approved by the City.

5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways.

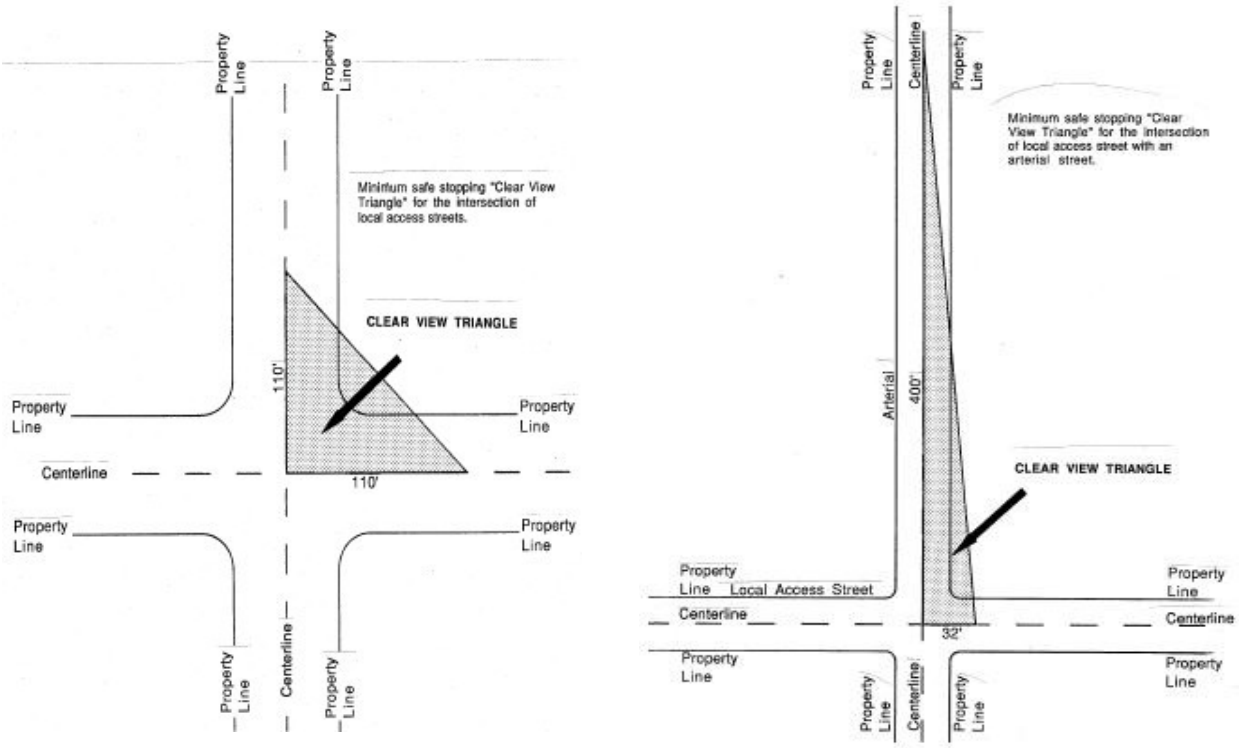
Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



L. Fire Access and Parking Area Turnarounds. A fire equipment access drive shall be provided in accordance with the Building and Fire Codes. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

M. Vertical Clearances. Driveways, private streets, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of 13' 6” for their entire length and width.

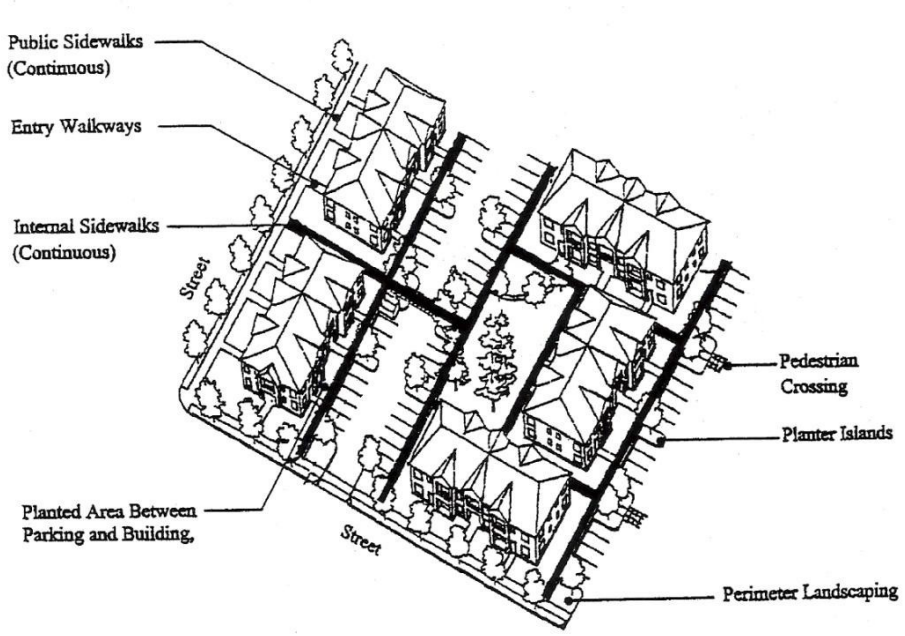
N. Vision Clearance. No signs or structures, or vegetation in excess of three feet in height shall be placed in “vision clearance areas” or "clear view triangle", as described and shown below. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance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



O. Construction. The following development and maintenance standards shall apply to all driveways and private streets:

1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce stormwater runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Engineer. In no case shall graveled surfaces be used.
2. Stormwater Management. When a paved surface is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Stormwater facilities shall be constructed in conformance with City Engineering Design Standards.
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Section 10-3B-2, subsection 'K' above and the City Engineering Design Standards.)

10-3B-3 Pedestrian Access and Circulation



Pedestrian Pathway System for Multifamily Development (Typical)

A. Pedestrian Access and Circulation. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-4, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 10-3B-2 - Vehicular Access and Circulation, and Article 10-3G.

2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

    a. Reasonably direct. A route that does not deviate unnecessarily or a route that does not involve a significant amount of out-of-direction travel for likely users.

    b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

    c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

    d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

3. Connections Within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities, and common areas (as applicable), and adjacent developments to the site, as applicable.

4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 10-3B- 2, subsection 'J'. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

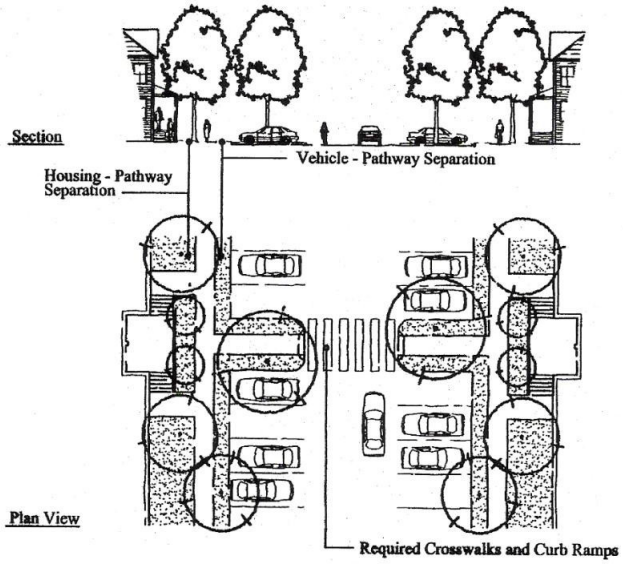
    a. Multi-use or shared pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;

    b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;

    c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

    d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;

    e. The City Engineer may determine that a pathway is impractical due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, critical areas, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.



Pathway Standards (Typical)

B. Design and Construction. Pathways shall conform to all of the standards in 1-5 below:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps. This standard may not apply to re-construction of existing roadways.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Article 10-3C. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application. Crosswalks within parking areas may be removed at the discretion of the City Engineer.
4. Sidewalk & Pathway Surface. Sidewalks shall be concrete and at least 6' wide, unless otherwise specified by this Code. Pathway surfaces shall be concrete, asphalt, brick/ masonry pavers, or other durable surface, at least 10 feet wide. (See also the applicable City Transportation Standards related to pathways). Additionally, sidewalk and pathway design shall conform to the requirements of Section 10-3G-2 - Transportation Improvements, the City Engineering Design Standards, the Liberty Lake Trail System Plan and Parks, Recreation, Open Space, and Trails Plan, as applicable.
5. Accessible routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

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

Sections:

10-3C-1 **Purpose**

10-3C-2 **Landscape Conservation**

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

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

10-3C-5 **Fences and Walls**

10-3C-1 Purpose

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

A. **10-3C-2 Landscape Conservation -** prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource and critical areas.

B. **10-3C-3 New Landscaping -** sets standards for and requires site landscaping and buffering for parking and maneuvering areas, and between different zones. (Note that other landscaping standards may be provided in Chapter 2 - Zoning Districts, for specific types of development.)

C. **10-3C-4 Street Trees -** sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

D. **10-3C-5 Fences and Walls -** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Note that other fence and wall standards may be provided in Chapter 2 - Zoning Districts, for specific types of development.)

10-3C-2 Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation associated with streams, wetlands and other protected natural resource and critical areas. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks and allows for water

conservation due to larger plants having established root systems.

B. Significant Vegetation.

1. Significant Trees and Shrubs - All trees within the public right of way with a trunk diameter of six (6) inches or greater, as measured 4 feet above the ground (DBH), that are deemed healthy and non-invasive shall be preserved, unless they fall within a planned new driveway, are in conflict with other required infrastructure, or as based upon other compelling circumstances, with the concurrence of the Zoning Administrator, or his/her designee. Additionally, other individual trees and shrubs not located within the public right of way with a trunk diameter of six (6) inches or greater shall be preserved, unless they fall within the proposed building footprint or required parking area or are in conflict with other required on-site infrastructure. Other trees may be deemed significant, when nominated by the property owner or City staff and designated by the City Council as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.)
2. Natural Resource / Critical Areas - Trees and shrubs on sites that have been designated as "Critical Areas" or natural resource areas, in accordance with Chapter 6 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. Exception - Protection shall not be required for plants listed as non-native, Class A weeds by the Spokane County Noxious Weed Control Board or for non-native invasive plants.

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

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

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

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to

avoid the protected area, and any required mitigation is provided in conformance with Chapter 6 and Subsection D above.

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

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

10-3C-3 New Landscaping

A. Applicability. New landscaping requirements shall apply to the following uses:

1. Commercial and industrial buildings;
2. Multi-family buildings and complexes with 5 or more attached units;
3. Developments with three or more independent buildings on site;
4. As may be required by a condition of approval, or a conditional use permit; and,
5. Public buildings greater than 5,000 sq. ft.

Other uses not subject to new landscaping requirements, as detailed above, are, however, subject to the requirements for the preservation of significant vegetation and landscape conservation identified in Section 10-3C-2 above.

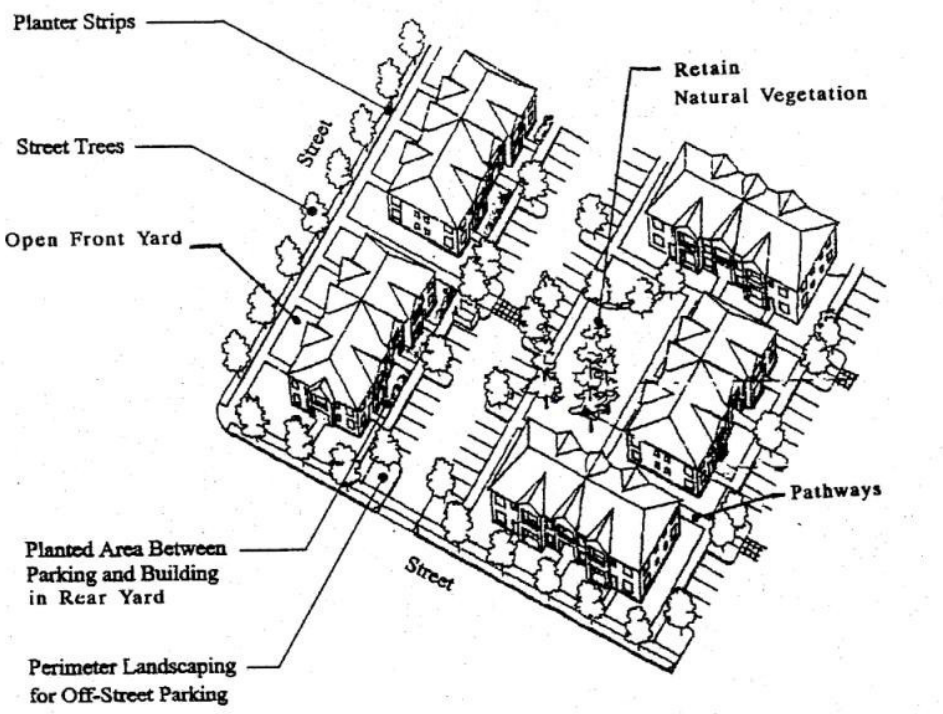
B. Landscaping Plan Required. A landscape plan is required and shall be submitted and reviewed prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3. For projects requiring 11 parking spaces or more, the landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

C. Bonding and Assurances. Prior to the issuance of any occupancy permits for a project, the project shall either install the required landscaping in accordance with the approved landscape plan or obtain bonding or other assurances as established in Section 10-4C-5, subsection D. In the event a bond or other assurance is needed, a temporary certificate of occupancy (TCO) may be issued for a period of up to 12 months, to complete the installation of the landscaping. In the case of a phased construction, the TCO may be extended once, for a period of up to 12 months. If the installation of the landscaping is not completed prior to the expiration of the TCO, the bond/ assurance may be used by the City to complete the installation.

D. Landscape Area Requirements. The landscaping requirements are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met, and vision clearance areas (Section 10-3B-2, subsection N) are maintained. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of

vegetation may be an issue). The following are minimum percentages of required site landscaping based on types of development (the requirements in E-G below may require exceeding the percentages below). If after meeting the requirements in E-G below, the required minimum percentage has not been achieved, additional landscaping shall be added on the site around the buildings, in the parking areas, around the perimeter, etc. in order to meet the required minimum percentages below (percentage of the site that is required to be landscaped):

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



Multi-Family Landscape Example

E. The following table sets forth the required landscape buffers associated with specific zoning/land use adjacencies, as described in paragraph G:

Required Zone/Use Landscape Buffers		
Zoning/Use of the Site	**Adjacent Zoning or Adjacent Use[1]**	**Landscape Buffering Requirement**
Mixed Use Zones (M-1, M-2, M-3, RD-M)/ all non-residential uses	Residential Zone or Use	Type II – Visual Relief Buffer
C-1, C-2, RD-C/All uses	Residential Zone or Use	Type II – Visual Relief Buffer
I/All Uses	Residential Zone or Use	Type I – Visual Screen
I/All Uses	Mixed Use, P or O Zones	Type II – Visual Relief Buffer

[1]Whichever is least intensive

F. The following table establishes landscaping requirements for all developments identified in paragraph A of this section:

Landscaping Requirements	
Location	**Landscape Type**
I-90 Frontage	Type II – Visual Relief Buffer
Street Frontage	Type III – See-through Buffer
Parking Lot Perimeter[1]	Type III – See-through Buffer
Interior Park Lot[2]	As per Paragraph H
Building Perimeter	Type IV – Aesthetic Separation

[1]Not required if perimeter landscaping is established on adjacent lot.
[2]Done in combination with Interior Parking Lot Landscaping requirements

G. The following table establishes the standards for the different types of required landscape buffers:

Standards for Landscape Buffers				
	Type I -Visual Screen	**Type II - Visual Relief Buffer**	**Type III -See Through Buffer**	**Type IV - Aesthetic Separation**
Purpose	Dense, year-round screen between incompatible uses & zones to create a noise and sight obscuring barrier	A year-round, visual separation between incongruous land uses and zone designations	A street frontage aesthetics buffer, together with visual relief and canopy opportunities along the perimeter of parking lots	An aesthetic buffer to create a separation to soften the appearance of building elevations adjacent to driveways, parking areas
Width	10 ft. with required solid fence or wall	15 ft.	6 ft	5 ft.
Required Trees	Evergreen trees planted on the interior side of the fence to create a continuous screen within 15 years of planting (in no event shall trees be separated by greater than 25 feet on center)	Class I Tree = 1/180 sf Class II Tree = 1/240 sf Class III Tree =1/400 sf Maximum deciduous = 50%	Class I Tree = 1/180 sf Class II Tree = 1/240 sf Class III Tree =1/400 sf Maximum evergreen 25%	
Required Shrubs	Not required	1/25 sf, 50% evergreen/50% deciduous	1/25 sf, 50% evergreen/50% deciduous	1/25 sf, 50% evergreen/50% deciduous

	Type I -Visual Screen	Type II - Visual Relief Buffer	Type III -See Through Buffer	Type IV - Aesthetic Separation
Ground Cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover
Alternates	Note: planting on interior of fence (for maintenance purposes)	Planting strip width can be reduced to 6 ft in combination with a minimum 6 ft high solid fence or wall. Note: planting on interior of fence (for maintenance purposes); also, no shrubs required with fence.	Landscaping between shared parking areas is not required, provided adequate tree canopy is provided through other means.	Landscape boulders and hardscape can be installed in lieu of 50% of required planting area
Exceptions:			Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard; Trees must be set back a minimum of 15 feet from edge of driveway	Sidewalk or pedestrian path can be installed in lieu of planting strip
Administrative variances may be granted to the above requirements based upon topographic challenges and/or other naturally occurring site limitations.				

H. Interior Parking Lot Landscaping. Interior parking lot landscaping is required to supplement the perimeter parking lot landscaping in order to meet the following standards:

1. No parking stall is located more than 50 feet from a shade tree, unless the site contains a large-scale building or development (buildings with greater than 20,000 square feet of enclosed ground floor space or multiple buildings with a combined enclosed ground floor space greater than 40,000 square feet (as per Section 10-2J- 10(C)(2))), then no parking stall shall be located more than 100 feet from a shade tree. Street trees and trees located on adjacent properties can be included for the purpose of this calculation if they are in close enough proximity to the parking.
2. Required shade trees shall be located in landscape islands of not less than 100 sq. ft. in area, and not less than 9 feet in width.
3. In addition to shade trees, landscape islands shall contain vegetative or non-vegetative

ground cover. Shrubs are optional.

4. Parking, loading, storage and/or display areas for tractor/trailers, buses, recreational vehicles, heavy equipment, and similar uses are exempt from interior parking lot landscaping requirements.

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

1. Decorative wall (i.e., masonry or similar quality material);
2. Evergreen hedge,
3. Sight-obscuring fence, or
4. Similar feature that provides a non-see-through barrier.
5. Walls, fences, and hedges shall comply with the vision clearance requirements (Section 10-3B- 2, subsection N) and provide for pedestrian circulation, in accordance with Article 10-3B - Access and Circulation. (See Section 10-3C-5 for standards related to fences and walls.)

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

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

1. Significant Vegetation. Significant vegetation preserved in accordance with Section 10-3C-2 above shall be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 10-3C-4 below may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
2. Plant Selection. Native and/or adaptive plant materials shall be used for all required landscaping. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, unless otherwise specified above. The selection plantings shall be based on local climate, exposure, water availability, and drainage conditions, and non-native, invasive plants shall be prohibited. As necessary, soils shall be amended to allow for healthy plant growth.
    a. Minimum Deciduous Tree Size.

        Deciduous trees shall have a caliper size of 1 3/4 inches or greater or be at least 10 feet tall at time of planting.

    b. Minimum Evergreen Tree Size.

        Evergreen trees shall be at least 6 feet tall at time of planting and have a low-branching habit with dense foliage.

    c. Minimum Shrub Size.

        Shrubs or perennials shall be planted from 2-gallon containers or larger and be at least 12” tall at time of planting. Perennials may be planted from 1-gallon containers if 2-gallons are not available.
3. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 10 percent of the

required site landscape area; except in the Mixed Use Zones, where hardscape features may cover up to 20 percent of the required site landscape area (e.g. on a five acre site in the M-2 zone, 15% of the site or 32,670 sq. feet, is required to be landscaped, of that 32,670 sq. feet, 6534 sq. feet may be covered by hardscape features), or as otherwise provided in this section. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

4. Plant & Non-plant Ground Covers. Native and adaptive plant materials under 3 inches in height, and bark mulch, chips, aggregate, or other non-plant ground covers are encouraged to be used around trees and shrubs in landscaped areas. Turf grasses may not be used for ground cover, except where required landscape areas are combined with stormwater treatment facilities.
5. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) should be landscaped as per Regional Stormwater Manual specifications.

L. Protective Curbing. All landscaped areas shall be protected from vehicle damage by a six (6) inch high protective concrete curbing, consistent with drainage requirements. Rolled curbs are an acceptable alternative. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.

M. Maintenance and Irrigation.

1. An automatic irrigation system shall be required.
2. Exceptions to irrigation system requirements may be waived for xeriscaping and drought-tolerant plantings, provided a plan is in place to provide for irrigation during the period required for the plantings to become established.
3. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen of the same size (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.).
4. All other landscape features required by this Code shall be maintained in good condition or otherwise replaced by the owner.

N. Additional Requirements.

1. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through Conditional Use Permit process (Article 10-4H).
2. Landscape design should take into account the integration of required trees and shrubs with required exterior lighting and should coordinate signage with landscape plans.
    a. A separation distance of 15 feet must be maintained between light poles and trees.
    b. Owners shall coordinate the location of planned or potential future wall, monument, and freestanding signage with landscape plans as part of the site plan review process. For the purpose of this requirement, potential future signage should be based upon allowable signage as per City Development Code 10-3E if specific sign plans are not yet available.
3. In accordance with City Development Code Section 10-1B-8, Alternative Methods of Compliance, the City may approve alternatives to the landscape requirements if the consistency and other standards of Section 10-1B-8 are met.

10-3C-4 Street Trees

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

A. Landscaping Plan Required. A landscape plan is required and shall be submitted and approved by the City prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3 and shall indicate the anticipated height and width of each tree species proposed at maturity. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

B. Acceptable Street Trees. Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting on rights-of-way and other public lands. The following sections C – F contain guidance for selecting species of trees proposed for planting on rights-of-way and other public lands. All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's *"Z60.1 American Standards for Nursery Stock"* as published by AmericanHort.

C. Growth Characteristics. Trees shall be selected based on the compatibility of their growth characteristics with site conditions, including but not limited to available space for trees to grow above and below ground; required clearances for traffic, visibility and other infrastructure; soil conditions; and, exposure. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be "limbed-up" as the tree grows to accommodate vision clearance requirements.
4. Use narrow or "columnar" or other similar trees with narrow or upright growth forms, where awnings or other building features may limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, de-icing chemicals, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Use deciduous trees for summer shade and winter sun.

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

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

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

Crataegus x lavallei - Lavalle Hawthorne

Maackia amurensis - Amur Maackia

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

Parrotia persica - Persian Parrotia

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

Acer campestre - Hedge Maple

Gleditsia triacanthos 'Skycole' - Skyline Thornless Honeylocust

Tilia americana 'Redmond' – Redmond Linden

Tilia tomentosa 'Sterling' – Sterling Silver Linden

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

Acer x freemanii 'Autumn Blaze' - Autumn Blaze Maple Acer saccharum spp. -

Sugar Maple Varieties

Ginkgo biloba - Maidenhair Tree Liriodendron tulipifera - Tulip Tree

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

1. Spacing. The spacing of Street Trees should be based upon the size of the tree selected and the canopy size at maturity, in accordance with the three species classes listed below:
    a. Class I Trees (Small Trees): 15 - 30 feet
    b. Class II Trees (Medium Trees): 30 - 40 feet
    c. Class III Trees (Large Trees): 40 - 50 feet
    d. Exceptions - special plantings designed or approved by a landscape professional or certified arborist.
2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in paragraph F (above), and no trees may be planted closer to any curb or sidewalk than the following, except in the case of existing plantings:
    a. Class I Trees (Small Trees) and Class II (Medium Trees) - three feet (minimum planting strip width of six feet)
    b. Class III Trees (Large Trees) - four feet (minimum planting strip width of eight feet)
    c. For existing planting strips less than 6 feet in width, only Class I Trees will be permitted, for replanting purposes.

    The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal, vertical clearances, and visibility at intersections.
3. Separation Distances from Other Infrastructure Fixtures. Street trees are to be located in available planting areas as determined once improvements and infrastructure identified

below are taken into account and spacing is adjusted. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:

a. Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard;

b. 15 feet from the edge of any commercial or multi-family driveway;

c. Half the measured distance between the curb and the sidewalk will be used as the offset dimension from an alley or single-family driveway;

d. 15 feet from any light fixture;

e. 7 feet from any fire hydrant;

f. 15 feet from any utility poles;

g. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);

h. 5 feet from any curb cut for drainage; and,

i. 10 feet from any dry well.

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

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

I. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.

J. Street Tree List. The City of Liberty Lake is a Tree City USA, and the program emphasizes native species and encourages species diversity. The City maintains a non-exhaustive list of approved Street Tree species for the City of Liberty Lake, Washington. Other trees, with characteristics similar to the above listed trees, and consistent with paragraph C of this section, may be used with prior approval from City staff.

10-3C-5 Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Article 10-4H - Conditional Use Permits or Article 10-4C - Site Design Review. Walls built for required landscape buffers or as enclosures shall comply with Section 10-3C-3 subsections G and H.

B. Dimensions.

1. The maximum allowable height of residential fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for fences and walls exceeding 6 feet in height, in conformance with the Building Code, as well as retaining walls exceeding 4 feet in height.
2. The height of fences and walls within a front yard shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right- of-way. Sight-obscuring fences shall not exceed 3 feet in height.
3. Walls and fences to be built for required buffers shall comply with Section 10-3C-3 subsection G.
4. Fences and walls shall comply with the vision clearance standards of Section 10-3B-2, subsection N.

C. Materials. The following fencing materials shall be prohibited within the City:

1. Barb wire or razor wire (prohibited in all Zones)
2. Chain link (prohibited in Residential Zones)

These prohibitions shall not apply to essential public facilities and utilities, including but not limited to sewage treatment facilities, wells, water towers, lift stations, electrical substations, distribution and transmission facilities, and other critical public infrastructure.

D. Maintenance. For safety and for compliance with the purpose of this article, walls and fences required as a condition of development approval shall be maintained in good condition or otherwise replaced by the owner.

Article 10-3D — Vehicle and Bicycle Parking

Sections:

10-3D-1 **Purpose**

10-3D-2 **Applicability**

10-3D-3 **Vehicle Parking Standards**

10-3D-4 **Bicycle Parking Standards**

10-3D-5 **Loading Space Standards**

10-3D-6 **Drive-Through Facilities**

10-3D-7 **Electric Vehicle Infrastructure**

10-3D-1 Purpose

The purpose of this article is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. This article recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements. This article also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

10-3D-2 Applicability

All new development shall comply with the provisions of this article.

10-3D-3 Vehicle Parking Standards

A. Vehicle Parking Minimum Standards. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in tandem, or in a vehicle travel lane (including emergency or fire access lanes), public right-of- way, pathway, or landscape area. The City encourages locating parking lots to the rear or side of buildings to enhance streetscapes and promote pedestrian access. Required parking spaces shall be calculated for primary and accessory uses.

Residential Uses	Required Parking Spaces
Accessory caretaker's residence	1 space per unit
Accessory dwelling units (ADU's)	1 space per unit
Single family detached housing / zero lot line / manufactured homes on individual lots	2 spaces per dwelling unit
Manufactured home parks	2 spaces per unit
Two- and three-family housing	1.75 spaces per dwelling unit
Multi-family and single family attached housing	1.75 spaces per dwelling unit
Rooming and boarding houses, dormitories	2 spaces for every 3 beds
Specialty housing	0.5 space per bed, plus 1 space per employee on the largest shift

Commercial Uses	Required Parking Spaces
Auto, boat, recreational vehicle. Trailer sales, etc., retail nurseries and similar bulk retail uses (additional parking for auto-oriented sales display areas may be provided in accordance with the landscaping standards in 10-3C-3)	1 space per 1,000 gross square feet of the first 10,000 square feet of gross land area; plus 1 space per 5,000 gross square feet for the excess square feet over 10,000 square feet of gross land area; and, 1 space per two employees.
Automobile, etc. repair and rental	1 space per 350 square feet (3 spaces minimum required). Additional parking shall be provided for vehicles under repair or rental vehicles and the additional parking shall be enclosed in a building or with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
Business, general retail, personal services, animal health services	1 space per 350 square feet
Cultural centers, museums, libraries, and athletic clubs, gyms, etc.	1 space per 250 gross square feet
Hotels and motels	1 space per guest room, plus 1 space per employee on the largest shift, plus 1 space per 150 gross square feet of meeting or conference rooms (restaurants, etc. require additional spaces as set forth herein)

Offices	1 space per 450 gross square feet for general or 1 space per 350 gross square feet for medical and dental offices
Restaurants, bars, ice cream parlors and similar uses	1 space per 150 gross square feet
Theaters, auditoriums, stadiums, gymnasiums, community centers, and similar uses	1 space per 3 fixed seats or 1 space per 150 gross square feet, whichever is greater

Industrial, Manufacturing, and Storage Uses	**Required Parking Spaces**
Industrial and manufacturing uses, except warehousing	1 space per employee on the largest shift or 1 space per 1,000 gross square feet, whichever is less, plus 1 space per company vehicle
Self-service storage facility	1 space per employee, plus 2 spaces per 250 units (5 spaces minimum required)
Warehousing	1 space per 1,000 gross square feet or 1 space per employee on the largest shift, whichever is greater, plus 1 space per company vehicle.

Recreation, Public and Institutional, and Other Uses	**Required Parking Spaces**
Childcare centers having 13 or more children and nursery / pre-schools	1.5 space per employee; or 1 space per 4 students, whichever is greater.
Chapels and mortuaries, and churches and similar places of worship	1 space per 4 fixed seats or 1 space per 100 gross square feet, whichever is greater.
Golf courses	8 spaces per hole, plus additional spaces for accessory uses set forth in this section. Miniature golf courses - 4 spaces per hole.
Supportive Housing	1 space per employee, plus 1 space per 5 residents, plus 1 space per vehicle operated by the home or facility
Hospitals	4 spaces per patient bed or 2.5 spaces per 1,000 gross sq. ft., whichever is greater
Elementary and middle school / junior high	1 space per 8 students

High schools	1 space per 4 students
Colleges, universities and trade schools	4 spaces per 1,000 gross sq. ft.
Participant & spectator sports facilities	60 spaces per outdoor field, or 1 space per 100 gross sq. ft. for indoor facilities
Public utilities and facilities, not including offices	1 space per employee on the largest shift, plus 1 space per company vehicle (2 spaces minimum required)
Recreational vehicle park / campground	1 space per stall

B. Unspecified Uses. Where a use is not specifically listed in subsection "A" above, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs or by utilizing the ITE Parking Manual. For all non-residential uses or for special cases involving new residential developments, the required minimum parking amount shall be determined by the City. For determination by the City, the Applicant shall supply:

1. Documentation regarding actual parking demand for the proposed use; or
2. Technical studies relating the parking need for the proposed use; or
3. Required parking for the proposed use as determined by other comparable jurisdictions.

C. Credit for On-Street Parking. The amount of off-street parking required may be reduced by the amount of on-street parking available directly adjacent to the subject property, provided the parking meets the following standards:

1. On-street parking shall conform to the minimum dimensions as detailed in Paragraph F, below, except that the aisle width shall conform to the City of Liberty Lake Right of Way and Street Design Standards for motor vehicle travel lanes (see Article 10-3G).
2. On-street parking spaces must be contiguous with the subject property;
3. Parking spaces shall not be located in a manner that would obstruct a required clear vision area, or otherwise violate any law or street standard; and
4. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or actions limiting general public use of on-street spaces is prohibited.

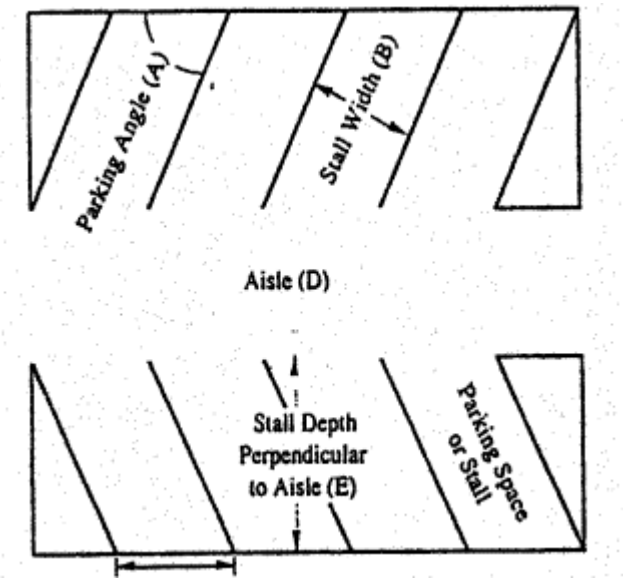
D. Credit for Bicycle Parking. Bicycle parking may substitute for up to ten percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

E. Change of Use. When a change in the use of a building or site is proposed, the Applicant must provide documentation for City review and approval demonstrating how the parking requirements for the proposal will be met. This may include the provision of additional onsite parking, shared parking, credit for on-street parking and/or a variance, in accordance with the provisions of this Chapter.

F. Parking Stall Standard Dimensions and Compact Car Parking. All parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping, and provide

dimensions in accordance with the following table. Up to 15% of the required parking may be designed and labeled as compact. Compact stalls shall be dimensioned as detailed in the table below. Note that all dimensions are measured from the middle of the striping. Disabled person parking shall be provided in conformance with Paragraph "G".

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)	Compact Stall Dimensions (B x E)
Parallel	8 ft.	22 ft.	12 ft.	24 ft.	8 ft.	8 x 20 ft.
30 Degree	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.	8 x 15 ft.
45 Degree	9 ft.	12' 6"	14 ft.	24 ft.	19 ft.	8 x 17 ft.
60 Degree	9 ft.	10' 6"	18 ft.	24 ft.	20 ft.	8 x 18 ft.
90 Degree	9 ft.	9 ft.	24 ft.	24 ft.	18 ft.	8 x 16 ft.



Important cross-references: Also see, Chapter 2 - Zoning Districts; Article 10-3B - Access and Circulation; Article 10-3C - Landscaping; and Article 10-3H - Stormwater Management.

G. Disabled Person Parking Spaces. Parking for disabled persons shall be provided in conformance with the Americans With Disabilities Act (ADA) and the adopted Building Code.

H. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.

2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required by this Article may be located on another parcel of land if on-site parking cannot be provided. The parcel shall be within 1000 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, less 20%, unless it can be shown that the peak parking demands are actually less than the sum of the requirements less 20% (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Article 10-3E.

10-3D-4 Bicycle Parking Standards

All uses which are subject to Site Design Review (see Section 10-4C-2) shall provide bicycle parking, in conformance with the following guidelines, which are evaluated during Site Design Review. Buildings that do not require site design review are encouraged to incorporate these standards.

A. Number of Bicycle Parking Spaces. Unless specified in 1-7 below, at least one bicycle parking space shall be supplied per 50 required vehicle parking spaces with a minimum of 2 spaces provided. Generally, a bike rack(s) would be installed that have the capacity to accommodate the required number of spaces. Providing sheltered spaces (under an eave, overhang, independent structure, or similar cover) is encouraged.

The following additional standards apply to specific types of development:

1. Multi-Family Residences.

   Provide one bicycle parking space for every unit (structures with 4 or more units). This provision is met when enclosed parking garages or storage rooms are provided for each unit.

2. Parking Structures and Park & Ride Facilities.

   All parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. Elementary and middle schools, both private and public.

   Provide one bicycle parking space for every 10 students that the school is designed to accommodate.

4. High schools, both private and public.

   Provide one bicycle parking space for every 20 students that the school is designed to accommodate.

5. Colleges and trade schools.

   Provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit.

6. Mixed Use Zones.

Within the M-1, M-2, and M-3 zones, individual businesses shall provide their own bicycle parking, spaces may be clustered between businesses to serve up to six (6) bicycles, or spaces may be provided as part of a public roadway improvement. One bicycle parking space shall be provided per 25 required vehicle spaces with a minimum of 5 spaces provided. Bicycle parking spaces should be located in front of the businesses, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

7. Multiple Uses.

   For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. One bicycle parking space per 25 motor vehicle parking spaces is recommended, with a minimum of 5 spaces.

B. Exemptions. This section does not apply to single family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, accessory dwelling units, or other developments with fewer than 10 required vehicle parking spaces.

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters, and other pedestrian amenities.

D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

E. Options for Storage. Bicycle parking requirements for multi-family housing, long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

F. Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.

G. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Section 10-3B-2, subsection N).

10-3D-5 Loading Space Standards

It is the intent of this section to require all future commercial, business, institutional, or industrial development to provide off-street loading facilities in order to guarantee full utilization of existing rights of way to accommodate present and future traffic demands. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls. Off-street loading facilities must be located in such a manner that service vehicles do not block or intrude into public rights of way or block driveways or parking area circulation.

A. Location and Design.

1. All off-street loading spaces shall be designed to minimize impacts on adjacent properties.
2. In all cases, loading facilities shall be located on the same lot as the structure they are

designed to serve. Required yards cannot be used for loading. Off-street loading space shall not be included in an area used to satisfy off-street parking requirements.

3. Loading spaces shall be designed and located so vehicles using these spaces do not project into any public right-of-way or otherwise extend beyond property lines.
4. Loading spaces shall be designed and built so no vehicles are required to back to or from an adjacent street, except for minor access for heavy trucking in industrial zones on local access streets.
5. When a proposed structure is intended to be used concurrently for different purposes, final determination of required loading spaces shall be made by the Zoning Administrator, provided the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

B. Required Off-Street Loading Spaces. The minimum number of off-street loading spaces shall be required according to the following table, unless the number is reduced by the Zoning Administrator.

Use	Size	Required Spaces
Industrial, manufacturing wholesale, warehouse, and similar uses	Up to 40,000 sq. ft. 40,000 - 60,000 sq. ft. 60,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space 2 spaces 3 spaces 3 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Offices, hotels/motels, and restaurants	Up to 60,000 sq. ft. 60,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space 2 spaces 2 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Hospitals, nursing homes, and similar uses	Up to 40,000 sq. ft. 40,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space 2 spaces 2 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000
Retail and other commercial uses	Up to 20,000 sq. ft. 20,000 - 50,000 sq. ft. 50,000 - 100,000 sq. ft. Over 100,000 sq. ft.	1 space 2 spaces 3 spaces 3 spaces plus 1 additional space per every 50,000 sq. ft. of building or portion thereof over 100,000

10-3D-6 Drive-Through Facilities

This section is intended to provide standards for drive-through facilities in zones where they are permitted in order to reduce the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to: reduce noise, lighting and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-site vehicular and pedestrian circulation; minimize conflicts between queued vehicles and traffic on adjacent streets.

A. Location and Design

1. The standards of this section apply to all uses that have drive-through facilities regardless of zone, including vehicle repair and quick vehicle servicing.
2. The standards of this section apply only to the portions of the site development that comprise the drive-through facility. The standards apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the standards of this chapter. Chapter 3
   - Design and Maintenance Standards, as well as standards for specific land use zones, contain additional requirements regarding vehicle areas.
3. Parts of a Drive-through Facility. A drive-through facility is composed of two parts – the stacking lanes and the service area. A drive-through facility may also have a third part – an order menu. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

B. Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

1. Abutting a Residential Zone. Service areas and stacking lanes must be set back six feet from all lot lines which abut Residential zones. The setback must be landscaped per the requirements of 10-3C-3 New Landscaping.
2. Abutting a Mixed-Use Zone. Service areas and stacking lanes must be set back six feet from all lot lines which abut mixed use zones. The setback must be landscaped to the minimum requirements included in 10-3C-3 New Landscaping.
3. Abutting a Street. Service areas and stacking lanes must be set back six feet from all street lot lines. The setback must be landscaped to the minimum requirements included in 10-3C-3 New Landscaping.

C. Vehicular Access

All driveway entrances, including stacking lane entrances, must meet driveway spacing requirements, unless otherwise authorized by the City. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

1. Stacking Lane Standards

These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

a. Gasoline Pumps. A minimum of thirty feet of stacking lane is required between a lot line and the nearest gasoline pump. The applicant must demonstrate to engineering services that sufficient queuing area is available such that vehicles in queue do not interfere with adjacent street traffic.

b. Other Drive-through Facilities.

i. Primary Facilities.

A minimum of eighty feet for a single stacking lane, or eighty feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Stacking lanes do not have to be linear.

ii. Accessory Facilities.

A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

2. Stacking Lane Design and Layout.

Stacking lanes must be designed so that they do not interfere with parking, parking access and vehicle circulation.

3. Stacking Lanes Identified.

All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

D. Off-site Impacts

Drive-through facilities must meet standards of this chapter regarding off- site impacts. When abutting residentially zoned land, drive-through facilities with noise-generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

10-3D-7 Electric Vehicle Infrastructure (EVI)

Electric Vehicle Infrastructure, as defined by RCW 35A.63.107 shall be allowed as an accessory use within any parking lot / area or within a garage or parking structure. Site and landscaping requirements identified in this Code shall apply, as applicable.

A. Residential Zones. EVI in residential zones shall be limited to residential use and shall not be used for purposes of wholesale or retail sales.

B. Other Zones. EVI for commercial and industrial uses should be designed and sized proportionately to accommodate the demand of the underlying permitted, limited, or conditional use and shall be suitable for the desired location.

1. Design Criteria and Guidelines.
    a. Minimum Number. Electric vehicle recharging stations may utilize required parking spaces
    b. Parking Space Size. Electric Vehicle charging stations should be sized the same as a regular parking space as identified in this Code.
    c. Lighting. Unless the charging station is designated as daytime use only, adequate lighting shall be provided for the charging station, consistent with the standards identified in this Code.
    d. EVI Signage. Signage should be posted to identify each charging station space as an electric vehicle charging station and identify any restriction such as use limits, towing provisions etc. Signage shall be consistent with the following guidance documents: “Electric Vehicle Infrastructure: A guide for Local Government in Washington State” (July 2010) or the Manual on Uniform Traffic Control Devices (MUTCD).
    e. Notification of station specifics. Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information and other pertinent information.
2. Public Streets. Generally electrical vehicle charging stations should not be allowed within the publicly owned right of way. Placement of electric vehicle charging stations proposed to be located in the publicly owned right of way shall serve a public purpose and receive the approval of the City Engineer.
3. Maintenance. Maintenance of the electrical vehicle charging station, including but not limited to functionality of the station, shall be the responsibility of the property owner.

C. Required EV Charging Infrastructure.

1. Applicability. The following requirements shall apply in the construction of new buildings, except that the buildings with the following occupancy identified as exempt in WAC 51-50-0429.1.
2. Required EV Charging Infrastructure.
    a. Required electric vehicle charging infrastructure, including EV Charging Stations, EV- Ready Parking Spaces, and EV-Capable Parking Spaces shall be provided as detailed in WAC 51-50-0429.2.
    b. Where electric charging infrastructure is required, said infrastructure shall be provided in compliance with the electrical standards as specified in WAC 51-50-0429.
3. Electric vehicle charging infrastructure for accessible parking spaces. When electric vehicle charging infrastructure is required, ten percent of accessible parking space, rounded to the next whole number, shall be provided with electric vehicle charging infrastructure. The electric vehicle charging infrastructure may also serve adjacent parking spaces not designated as accessible parking. A maximum of ten percent, rounded to the next whole number, of the accessible parking spaces are allowed to be included in the total number of electric vehicle parking spaces required under Paragraph 2, above.

Article 10-3E — Signage Standards

Sections:

10-3E-1 Purpose

10-3E-2 Applicability and General Provisions

10-2E-3 Prohibited Signs

10-3E-4 Sign Permit Requirements

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

10-3E-6 Sign Standards in Residential Zones

10-3E-7 Sign Standards in Mixed Use, Commercial, and Industrial Zones

10-3E-8 Sign Location, Setback, Area Calculations, and Maintenance Standards

10-2E-9 City Wayfinding Signage Program

10-3E-1 Purpose

A. As identified in the City Comprehensive Plan, an attractive urban landscape is an asset to the community. Aesthetically pleasing areas instill a sense of pride in the community and serve as a magnet for attracting new business. Signage regulation is one method to achieve an attractive urban landscape. The purpose and intent of this article is to maintain or enhance the visual environment of the City of Liberty Lake, to protect the public health, safety, and welfare; and to increase the effectiveness of visual communication in the City while promoting commerce, traffic safety, and community identity and by providing opportunities for Liberty Lake businesses, residents, and property owners to appropriately display signage.

B. The regulations for signs have the following specific objectives:

1. To have signs that attract and invite rather than demand the public's attention along the City's streetscapes.
2. To have streets that appear orderly and safe because clutter is minimized.
3. To have signs that enhance the visual environment of the City, because they are in harmony with building architecture and landscape design.
4. To allow business identification that is not unduly hindered by regulatory standards.
5. To ensure typical communication and civic discussion is fostered in the City's residential neighborhoods.
6. To allow signs that utilize high quality construction materials, fine architectural detailing, harmonious proportionality, and that serve a multi-modal environment.

10-3E-2 Applicability and General Provisions

The signage standards shall apply to all development within the City, unless specifically exempted by City code or ordinance. A permit is required for any sign that is erected, re-erected, constructed, painted,

posted, applied, or structurally altered, as identified in this article. The Planning and Community Development Department shall review sign permit applications.

Notwithstanding any other provision of this article or of related standards referenced in this article, applications will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color, size, or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

10-3E-3 Prohibited Signs

A. Signs Prohibited in the City. The following signs are prohibited in all zones unless otherwise specifically permitted.

1. Signs, which by coloring, lighting, shape, wording, or location resemble or conflict with traffic control signs or devices.
2. Signs that create a safety hazard for pedestrian or vehicular traffic.
3. Flashing signs.
4. Portable signs exceeding six (6) square feet.
5. Reader board signs (except as permitted herein).
6. All electronically changeable message signs (except where permitted herein).
7. Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.
8. Roof signs.
9. Freestanding Signage with unconcealed pole supports.
10. Rotating, spinning, or motorized signs.
11. Billboards.
12. Signs attached to towers or wireless communication support towers.
13. Inflatable signs.
14. A-frame signs (except as permitted herein).
15. Signs attached to benches that advertise businesses, goods, services, etc.
16. Signage in residential areas (except as permitted herein).
17. Temporary signage (except as permitted herein).
18. Commercial off-premises signs.

B. Examples of Prohibited Signage

Portable Signs



Billboards



Inflatable Signs



Reader boards



Unconcealed Pole Signs



Rotating Motorized Signs



10-3E-4 Sign Permit Requirements

A. Exempt Signs. The following shall not require a sign permit provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Building Code.

1. Signs that are attached to buildings provided such signs are not more than four (4) sq. ft. in area and project not more than 2 inches from any building surface.
2. The changing of the advertising copy or message on a lawfully erected sign, reader board, or similar sign specifically designed for replaceable copy.
3. Painting, repainting, or normal maintenance, unless a structural or electrical change is made.
4. Incidental signs.
5. Any sign located within a building not visible from the street or sidewalk.
6. Traffic or pedestrian control signs or signals, or signs indicating scenic, historic, or public points of interest (i.e. government services, parks, recreation, schools, transportation facilities), which are erected by or on the order of a public officer in the performance of his/her public duty;
7. Signs required by law;
8. Official public notices, official court notices or official law enforcement notices.

B. Temporary Signs. The following shall not require a complete sign permit application, however application for a temporary sign permit shall be required.

1. Temporary banners and temporary signs as permitted herein.
2. Real estate signs as permitted herein.
3. Temporary political signs as permitted herein.

C. Required Submittals for Sign Permits.

1. Completed & Signed Application with owner and contractor Information, project description, site address / location, etc., square footage of building façade, proposed sign type, area, etc., and value of sign.
2. Plans for the signs with dimensions
3. Building elevations with dimensions (wall signs / blade signs)
4. Setbacks (freestanding / monument signs)
5. Site Clearance (freestanding / monument signs)
6. Site Map (freestanding / monument signs)
7. Attachment Illustration (wall signs / blade signs)
8. Engineering (freestanding signs)
9. All permits for electronically changeable signs shall:
    a. Provide evidence of manufacture and installation in compliance with NFPA 70, the National Electric Code (NEC).
    b. Provide a Nationally Recognized Testing Laboratory (NRTL) file number from the sign manufacturer.
10. For signs intended to be visible from I-90, documentation from the Washington State Department of Transportation that the proposed sign complies with the Scenic Vistas Act, RCW 47.42.

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

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

1. Temporary Banners, Flags, Pennants, and Searchlights
    a. A temporary banner, flag, or pennant may be permitted for by the Zoning Administrator for temporary on-premises use not exceeding thirty (30) days in any one year for special events such as grand openings, provided that such display does not have an adverse impact on nearby residences or institutions and banners shall not exceed 75 square feet in size. Except for properties within the Interstate 90 Corridor where 150 square feet shall be the maximum size. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.
    b. A searchlight may be permitted by the Zoning Administrator for temporary on-premises use only not exceeding three (3) days in any one year for special events such as grand openings, provided that such display does not have an adverse impact on nearby residences or institutions. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.
2. Temporary Construction Site Signs - One on premises construction sign that identifies the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the construction of a project, may be approved under the following conditions:

a. The sign shall be a maximum area of thirty-two (32) square feet and shall not exceed six (6) feet above grade of the lot or parcel on which the sign is located.

b. The sign shall not include advertisement of any products during the actual construction period.

c. The sign shall be removed prior to an occupancy permit being issued.

d. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

3. Temporary Real Estate Wall Signs - Within all zones, excluding Residential Properties / Uses, a temporary real estate sign located on a wall or in a window advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:

   a. The sign shall be located on the premises being sold or leased.

   b. The banner or wall sign shall be flush mounted to the building wall surface below the roof eve and oriented to minimize visual exposure to existing residential areas.

   c. The sign shall be non-illuminated.

   d. The sign shall not exceed a maximum ratio of 1 square foot of signage per 10 square feet of building façade (sign area: building facade) up to a maximum area of 150 square feet.

   e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

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

4. Temporary Real Estate Freestanding Signs (Residential Properties / Uses): A temporary real estate sign advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:

   a. The sign shall be located on the premises being sold or leased.

   b. Only 1 sign per frontage road, per parcel shall be permitted.

   c. The sign shall be non-illuminated.

   d. The sign shall be limited in size to five (5) square feet and limited in height to six (6) feet above grade. A sixteen (16) square foot sign limited in height to six (6) feet above grade is allowed on property of five (5) acres or more, with or without a dwelling on-site.

   e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

   f. The sign shall remain only as long as property remains unsold or unleased for a period not to exceed one (1) year. The Zoning Administrator may extend the one (1) year time period upon written request by the owners/ developers of the project.

5. Temporary Real Estate Freestanding Signs (Commercial & Industrial Properties / Uses): A temporary real estate sign advertising the prospective sale, lease or rental of the building, property or premises shall be permitted, subject to the following conditions:

   a. The sign shall be located on the premises being sold or leased.

b. Only 1 sign per frontage road, per parcel shall be permitted.

c. The sign shall be non-illuminated.

d. The sign shall be limited in size to sixteen (16) square feet and limited in height to six (6) feet above grade on sites less than one (1) acre. A thirty-two (32) square foot sign limited in height to six (6) feet above grade is allowed on property of one (1) acre or more. Within the Interstate 90 Corridor, the sign shall be limited in size to ninety-six (96) square feet and limited in height to sixteen (16) feet.

e. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation.

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

6. Real Estate Open House/ Directional Sign

   a. Temporary open house/ directional sign(s) shall be allowed on the access street(s) to property that is for sale, lease, or rent while that property is open for inspection during an otherwise advertised "open house" or similar, non-recurring event. A maximum of three (3) open house / directional signs may be used for such "open house".

   b. Such sign(s) shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic.

   c. The sign shall be non-illuminated.

   d. Such signs may be in an A-board form if they are otherwise in compliance with this Code and the standards within this subsection.

   e. Such sign(s) shall be limited in size to five (5) square feet and limited in height to three (3) feet above grade.

   f. Such sign(s) shall not be considered temporary if advertising the same property, or portions thereof, for more than two (2) consecutive days, remains in place overnight, or is utilized for more than ten (10) days in any calendar month.

   g. The above standards shall also apply to the advertisement of designated model homes or subdivision sales offices.

   h. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation / use.

   i. Any sign(s) not in compliance with the above standards shall be impounded by the City at the expense of the individual or entity advertising the sale of the property.

7. Bulletin Boards - Bulletin boards may be permitted on the premises of public, charitable or religious institutions, subject to the following:

   a. Such sign shall contain no more than thirty-two (32) square feet in area on a face and may be double-faced.

   b. No part of the sign shall exceed a height of six (6) feet above the grade.

   c. The sign, if lighted, shall use low-intensity lighting.

8. Permanent Residential Subdivision or Area Name Signs - Decorative subdivision or area name signs of a permanent character at the street entrance or entrances to the subdivision

or area which identifies the name of the subdivision or area only, shall be permitted, subject to the following conditions:

a. The sign shall be designed to achieve aesthetic harmony with the identifying neighborhood.

b. The sign shall consist of decorative masonry walls, concrete, rock, or wood with illuminated, indirectly lighted or non-illuminated name plates or letters.

c. The sign shall be located in a maintained landscaped area.

9. Permanent City Gateway Signs / Community Message Boards - Decorative City signs of a permanent character at the entrances to the City of Liberty Lake or locations approved by the City Council, shall be permitted, subject to the following conditions:

a. The signs shall be designed to achieve aesthetic harmony with a consistent design theme approved by the City Council.

b. The signs shall consist of decorative masonry walls, concrete, rock, or wood with illuminated, indirectly lighted or non-illuminated name plates or letters. Alternately, the name plate or lettered area may be an electronically changeable sign, provided the standards for electronically changeable sign controls of this code are met (10-3E-7, Subsection H-2).

c. The signs shall be utilized to define the City boundaries and/or announce City events or other public service announcements and be located on public property or within a City easement.

10. Political Campaign Signs

a. Signs promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property with the consent of the property owner.

b. Signs shall not be located on public property, within public easements, or within street right-of-way.

c. All political campaign signage shall be removed within 14 days following the general election. If a run-off election for a candidate or initiative is required, the signs may remain until 14 days following the run-off election.

11. Community Event Signs

a. Community event signs shall be limited to announcing or promoting community events, as defined in Article 10-1C of this Code.

b. Community event signs may be displayed no more than 8 calendar days prior to the start of the fair, festival, or event and must be removed within 2 days of the conclusion of the fair, festival, or event.

c. Community event signs may be located on or over street right-of-way areas in such a manner as to not interfere with irrigation or utility lines, as determined by the City. Any sign(s) not in compliance with the standards shall be impounded by the City at the expense of the event sponsor.

d. Community event signs shall not be placed in such a manner as to interfere with vehicular or pedestrian traffic.

e. The signs shall be non-illuminated.

f. Such signs may be in an A-board form if they are otherwise in compliance with this

Code and the standards within this subsection.

g. Such sign(s) shall be limited in size to five (5) square feet and limited in height to three (3) feet above grade, within the right-of-way.

h. A temporary sign permit application must be submitted and approved for all temporary signage, prior to signage installation / use.

B. Examples of Permitted Signage.

Permanent City Gateway Signs





Real Estate Sign



Construction Site Sign



Temporary Banners, Flags, Pennants, and Searchlights



Permanent Residential Subdivision or Area Name Signs



10-3E-6 Sign Standards in Residential Zones

Sign structures are permitted in the residential zones in accordance with the following uses and standards:

A. Nameplates. A nameplate, which indicates no more than the name and address of the occupant of the premises, is permitted, provided that such sign shall not exceed a maximum area of three (3) square feet.

B. Permitted Signs by Use. The following categories of uses are defined to apply to signage standards provided in Tables 1 and 2 below:

1. Semi-Public uses include a church, public park, multiple-family dwelling, dormitory, fraternity, sorority, nursing home, retirement apartment, public building, child day-care center, family day-care provider, nonprofit community hall or lodge, animal clinic, cemetery, sanitarium.

2. School/Public uses include a school (kindergarten through university), hospital, police station, fire station, post office or public golf course, incinerator, solid waste recycling transfer site, or landfills.

3. Office uses include a business or professional office.

4. Commercial Use/Other shall include commercial uses other than those listed in above and other than home industry or home profession.

C. Wall Signs. On-premises wall signs are permitted not to exceed the maximum number and size as

shown in Table 1 below. Wall signs shall be unlighted, or have low intensity lighting, and shall be placed flat against the outside wall of the main building.

TABLE 1 **Use**	**Max # of Signs**	**Max Sign Area**
Semi-Public	1	10 sq. ft.
Schools/Public Use	1	20 sq. ft.
Office	1*	16 sq. ft.**
Commercial Uses, Other	1	20 sq. ft.

*Multiple office complexes shall be allowed one wall sign per building.
** An office building containing four (4) or more offices shall be allowed a maximum aggregate sign area of 64 sq. ft.

D. Blade Signs. Blade signs, attached to and projecting from a public, semi-public, or commercial building face or wall at a ninety-degree (90°) angle or from a building corner on a corner lot at a one hundred thirty-five-degree (135°) angle to the façade are permitted, provided they meet the following standards:

1. Shall not project more than eight feet (8') from the building, inclusive of sign and mounting structure;
2. Shall not exceed a maximum height of four feet (4');
3. Shall not exceed a maximum area of twenty (20) square feet per side of sign when double sided;
4. Shall be located a minimum of eight feet (8') and a maximum of fourteen feet (14') above the sidewalk grade, as measured from the sidewalk to the bottom of the frame of the sign;
5. May extend into the public right-of-way above a public sidewalk;
6. Shall not extend into the public right-of-way beyond the outer edge of the sidewalk or above the planting strip or curbline;
7. Are permitted to be double sided;
8. Top of sign shall not extend above roof line or parapet wall of a single-story building;
9. For multi-storied buildings, top of sign shall not be higher than sill or bottom of the lowest second story window height; and,
10. For buildings with multiple commercial tenants, each business may be permitted one blade sign, provided that the blade signs are separated by a minimum of twenty feet (20'). Businesses with two street facing façades are allowed a maximum of two blade signs, one per street facing façade, with each setback a minimum of ten feet (10') from the building corner; or one single corner sign.

E. Monument Signs. On-premises monument signs are permitted not to exceed the maximum number, size, and height as shown in Table 2 below. On-premises monument signs shall be unlighted or have low-intensity lighting.

TABLE 2 Use	Max # of Signs	Max Sign Area	Max Sign Height
Semi-Public	1	16 sq. ft.	6 feet
Schools/Public Use	1	32 sq. ft.	6 feet
Office	1	32 sq. ft.	6 feet
Commercial Uses, Other	1	32 sq. ft.	6 feet

10-3E-7 Sign Standards for Other Zones

Any sign which pertains only to the identification of a permitted use in any non-residential zone and is located entirely on the property (with the exception of consolidated multi-business freestanding / monument signs and Campus Monument Signs), provided that it complies with the following conditions:

A. Wall Signs – Individual and Multiple Businesses.

1. Wall Area - Wall area is calculated by multiplying the height of the primary building wall by the length of the primary building wall. In the case of multi-story buildings or buildings taller than 30 feet only the first 30 feet shall be used to calculate wall area. Walls are defined as either primary or secondary as provided in Figure A-1.

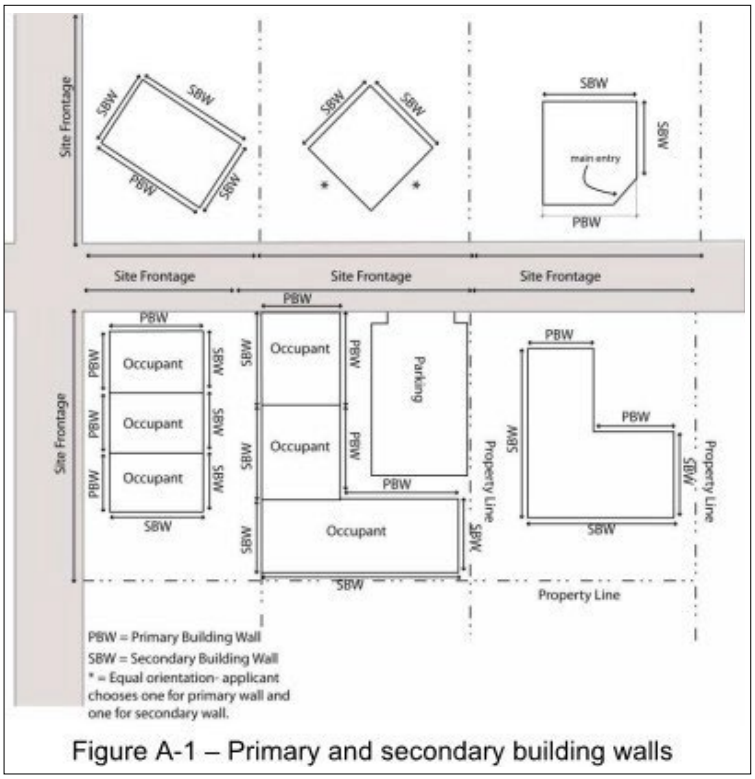


Figure A-1 – Primary and secondary building walls

2. Wall Sign Standards

TABLE 3	Total Square Feet	Maximum Sign Area **	Maximum Copy Lines
All Non-Residential Zones	1 sq ft sign area per 10 sq ft of PBW	150 sq ft	3 lines per sign
Interstate 90 Corridor*	1 sq ft sign area per 10 sq ft of PBW and SBW	150 sq ft per PBW and 300 sq ft per SBW	3 lines per sign

*Within the Interstate 90 Corridor, the Primary Building Wall is the side of the building that provides access to the business.
**See sub-section (A)(4) below

3. Building Façade – Wall signs must be mounted parallel to building façade.
4. Exchange Ratio – To improve streetscape views by minimizing sign clutter while continuing to provide for adequate business identification, applicants may exchange one freestanding or one monument sign for an exemption to the wall sign maximum area limitations, or reduce the size or quantity of freestanding or monument signage and increase the size or quantity of wall signage by the same amount. The sign permit shall be conditioned to prohibit a future freestanding and/or monument sign due to the approved increased wall signage.
5. Wall Signs Facing Residential Zones – Wall signs facing a residential zoning district shall not exceed twenty-five percent (25%) of the maximum square footage allowed.

B. Blade Signs. Blade signs, attached to and projecting from a public, semi-public, or commercial building face or wall at a ninety-degree (90°) angle or from a building corner on a corner lot at a one hundred thirty-five-degree (135°) angle to the façade are permitted, provided they meet the following standards:

1. Shall not project more than eight feet (8') from the building, inclusive of sign and mounting structure;
2. Shall not exceed a maximum height of four feet (4');
3. Shall not exceed a maximum area of twenty (20) square feet per side of sign when double sided;
4. Shall be located a minimum of eight feet (8') and a maximum of fourteen feet (14') above the sidewalk grade, as measured from the sidewalk to the bottom of the frame of the sign;
5. May extend into the public right-of-way above a public sidewalk;
6. Shall not extend into the public right-of-way beyond the outer edge of the sidewalk or above the planting strip or curbline;
7. Are permitted to be double sided;
8. May incorporate lighting such as neon, LED and other illumination techniques that do not include elements that are prohibited by other sections of the sign code;
9. Top of sign shall not extend above roof line or parapet wall of a single-story building;
10. For multi-storied buildings, top of sign shall not be higher than sill or bottom of the lowest second story window height; and,

11. For buildings with multiple commercial tenants, each business may be permitted one blade sign, provided that the blade signs are separated by a minimum of twenty feet (20'). Businesses with two street facing façades are allowed a maximum of two blade signs, one per street facing façade, with each setback a minimum of ten feet (10') from the building corner; or one single corner sign.

C. Awning, Canopy and Marquee Signs:

1. Sign lettering and logos shall not comprise more than thirty percent (30%) of the total exterior surface of the awning, canopy and/or marquee.
2. Bottom of the sign shall be located a minimum of eight feet (8') above ground level.
3. Architectural canopy and marquee signs may incorporate lighting such as neon, LED and other illumination techniques that do not include elements that are prohibited by other sections of the sign code. For example, flashing lights.

D. Freestanding / Monument Signs – Individual Business. One (1) on-premises freestanding / monument sign for an individual business is permitted, not to exceed the area and height limits as provided in Table 4 below.

TABLE 4 Zone	Max Sign Area	Max Sign Height	Sign Type
M-1	50 sq. ft.	8.5 feet	Monument
M-2 / M-3 / RD-M	75 sq. ft.	8.5 feet	Monument
C-1 / C-2 / I / P / O / RD-C	75 sq. ft.	8.5 feet	Monument
M-2 / C-2 / P / RD-C*	150 sq. ft.*	30 feet*	Freestanding*

* Parcel is within Interstate 90 Corridor

E. Freestanding / Monument Signs – Multiple Business. Freestanding on-premises sign(s) for multiple businesses are permitted, not to exceed the number, maximum area and height limits as provided in Table 5. Freestanding signage allowed for an individual business shall not be combined with the signage allowed for multiple businesses. Multiple businesses located on one parcel and/or within one building shall be required to utilize multiple business freestanding / monument signage standards, rather than individual business freestanding / monument signage standards. A group of businesses may consolidate their allowed freestanding / monument signs into one location to provide better overall business exposure while reducing signage clutter created by several signs as long as the maximum number and size allowed for the zone in Table 5 are not exceeded.

TABLE 5 Zone	Max # of Signs	Max Sign Area	Max Sign Height	Sign Type
M-1	1	75 sq. ft.	8.5 feet	Monument
M-2 / M-3 / RD-M	1 per street frontage	100 sq. ft.	8.5 feet	Monument
C-1 / C-2 / P /O / RD-C	1 per street frontage	100 sq. ft.	8.5 feet	Monument
M-2 / C-2 / P /RD-C*	1 per I-90 frontage	250 sq. ft*	30 feet*	Freestanding*

*Parcel is within Interstate 90 Corridor

Figure C-1 – Example of maximum allowed signage on a parcel with single street frontage.

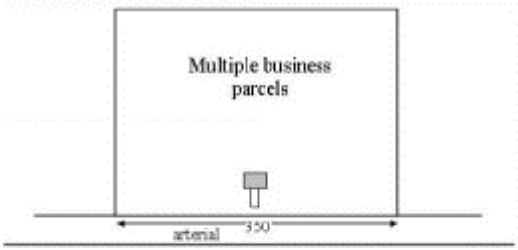
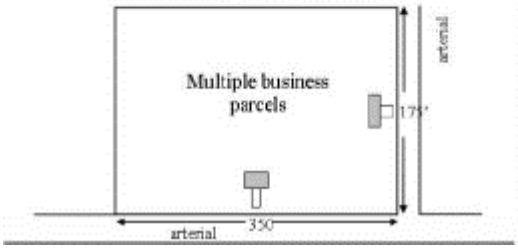


Figure C-2 – Example of maximum allowed signage on a parcel with dual frontage.



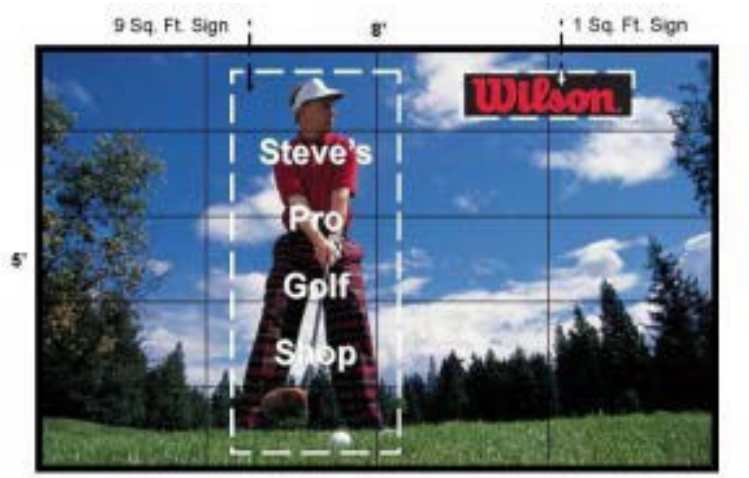
F. Large-Scale Retail Establishments

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

1. Freestanding sign is not provided for the building or development along I-90;
2. Only 1 monument sign is provided along the access street for the building or development; and
3. The building / development signage selection is reviewed and approved by the Zoning Administrator.

G. Window Signs.

Signs applied to a window or mounted or suspended directly behind a window of a business are permitted on any window of a building based on a 20% bonus to the allowed wall signage in 10-3E-7(A) above or a maximum of 10 sq. ft., whichever is less. Window signage can be placed on one or more windows as long as the aggregate area of window signage does not exceed the allowed bonus or maximum, whichever is less. Window sign size shall be calculated in the same manner as wall signage (see Section 10-3E-8, subsection C1 below). Only those portions of the window(s) which contain signage shall be calculated. Graphics or symbols that do not meet the definition of a sign or colored film used for shading do not reduce the amount of allowed window signage; however, the colors must comply with the Architectural Guidelines and Special Standards of the zone. Window signage can be changed throughout the year as long as the overall allowed area is maintained.



If a business is allowed 60 sq. feet of wall signage, then they would be allowed 10 sq. feet of window signage which can be placed on one or more windows up to the aggregate total of 10 sq. feet of window signage. See single window example above.

H. Business A-Boards

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

1. Only one (1) A-Board / A-Frame sign will be permitted per business.
2. The A-Board / A-Frame sign shall not exceed three (3) feet in height and six (6) sq. ft. in area. The sign may be double-sided.
3. The A-Board / A-Frame sign shall not be lighted or contain any moving image or text.
4. Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.
5. The A-Board / A-Frame sign must be located on the business parcel, no further than twelve feet from the entrance to the business, unless otherwise permitted by the Zoning Administrator or designee for unique situations. The sign shall not be placed in a location which is within the clear view triangle or any location which will impede vehicular traffic. Further, the sign shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances, or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped. At least three (3) foot clearance width on sidewalks must be maintained. The City may require re-location of the A-Board / A-Frame sign if it is determined that an interference is occurring.
6. The A-Board / A-Frame sign shall not be located in any right-of-way.
7. The A-Board / A-Frame sign shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic; signs and copy shall be of professional quality. Owners of A- Board / A-Frame signs shall be required to keep their signs in a legible, intact, and well- maintained manner. Damaged signs shall be repaired or removed immediately.

8. A sign permit application must be approved by the City prior to utilizing the A-Board / A-Frame sign.








I. Campus Monument Signs

1. For the purpose of calculating signage, a campus is defined as a planned commercial, light industrial, or mixed-use development that contains multiple parcels which encompass a minimum of one block or 10 acres of land and which some of the parcels do not have frontage on an arterial or collector street and/or some businesses within the campus are located more than 300 feet from an arterial or collector street. Typically, a campus would be contained within a singular land division.
2. A Campus Monument Sign may be utilized to provide off-site exposure to multiple parcels or businesses within a campus in an aesthetically pleasing manner that is a coordinated effort where at least some parcels or businesses participate in the Campus Monument Sign program and the sign is designed to accommodate future participation by all properties within the campus.
3. Campus Monument Signs may be located at primary entrances to the campus from the arterial or collector street, on private property only with the property owner's permission, Campus Monument Sign(s) shall not be located in the right-of-way. Each sign must have the same design but may include different parcels / businesses within the campus. Alternatively, the Campus Monument Sign(s), may be located on private property within the campus along the street connecting to the arterial / collector street in order to achieve the purpose of the program.
4. The amount of allowable signage area for Campus Monument Signs shall be dependent on the total acreage of the campus and set forth as follows:
    a. Less than 20 acres = 36 square feet maximum
    b. 20 to 50 acres = 72 square feet maximum
    c. 51 – 75 acres = 108 square feet maximum
    d. Greater than 75 acres = 144 square feet maximum
5. Maximum height of monument signs shall be 8.5 feet.
6. The sign must be set back a minimum of 10 feet from the right-of-way and the area within 10 feet surrounding the sign must be landscaped. The setback may be required to be increased to comply with the clear view triangle, as determined by the City Engineer.
7. Campus Monument Sign size shall not be calculated as part of the individual or multi-business signage. Campus Monument Signs are a separate category; however, they cannot be closer than 150 feet from any other freestanding or monument sign.
8. The sign must be a monument style that achieves aesthetic harmony with the overall campus design.
9. An easement and/or agreement must be recorded which encompasses the area where the signage is installed, including the landscaping.

10. A sign permit application must be submitted and approved prior to signage installation. All parcels / businesses within the campus shall be given the opportunity to participate in a Campus Monument Sign program and a listing of the parcels / businesses within the campus shall be submitted with the sign permit application that includes signatures for parcels / businesses that will be and will not be participating.

J. Electronically Changeable Signs

1. Size, Type, Location, and Hours of Use

   a. Maximum electronically changeable sign area and height shall be as indicated in Section 10-3E-7, subsections B and C, Tables 4 and 5 for freestanding and monument signs. Electronically changeable wall signs are not permitted in any zone.

   b. Type and Location.

TABLE 6 **Zone**	**Location**	**Permitted Sign Type**
P Zone	All	Monument
M-2 / C-2 / RD-C	Interstate 90 Frontage	Monument
M-2 / C-2 / RD-C	Interstate 90 Frontage	Freestanding
All Non-Residential and Mixed-Use Zones	Publicly owned Property	Monument

2. All electronically changeable signs are subject to the following provisions:

   a. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

   b. No electronic message center shall exceed a brightness level of 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign (sq. ft.)	Measurement Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71

55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122

i. Measure 30 minutes after sunset using lux meter.

c. Duration of Message Display shall be subject to the following:

i. Electronically changeable signs along I-90 shall display images for a period of at least three (3) seconds before transitioning to another image.

ii. Community electronic changeable signs shall display images for at least five (5) seconds before transitioning to another image.

d. Message transition and frame effects shall be subject to the following:

i. Transition and frame effects employing fade, dissolve, or similar lasting between 1 and 2 seconds are allowed.

ii. Transition and frame effects employing continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement are not allowed.

e. Full motion video or film display or streamed in real time is not permitted.

K. Neon signs:

1. Neon signs are allowed but must be erected within the allotted signs attributed to a building.

2. Maximum area. Established by maximum attached sign square footage to building.

3. Display. Neon signs are prohibited from pulsing, flashing, or any other function that would create a moving sign. The display of neon signs is to provide a form of fixed illumination.

4. Illuminance. Neon signs in excess of 750 delivered lumens shall comply with lighting

standards detailed in §10-3F-2 of this code.

5. An "open" neon sign within a window of a business or attached to the exterior of the business shall not be counted as sign square footage for a building allotment. An "open" sign shall be limited to four (4) square feet.

10-3E-8 Sign Location, Setback, Area Calculations, Maintenance and Lighting

A. Sign Location. All signs shall be so located that they:

1. Do not interfere with vehicular or pedestrian accessibility or sight distance.
2. Conform to the provisions of Section 10-3B-2, subsection "N", vision clearance areas.
3. Do not overhang or are not located in any public right-of-way, except as explicitly permitted for blade signs located above a public sidewalk.
4. All freestanding and monument signs shall be located in a maintained landscaped area.

B. Sign Setback. Any portion of a sign (including structural supports) that is higher than three (3) feet above grade shall be located a minimum of ten (10) feet back from any public right- of- way.

C. Sign Area Calculations. Sign area is the total area of a sign visible from any on viewpoint or direction, excluding the sign support structure, and its size shall be calculated using the methods described in items 1-4 below.

1. A wall sign shall be calculated by measuring the area created by drawing imaginary straight lines around the entire copy or grouping of such letters, words, or symbols, and then multiplying A x B as illustrated in figure 3 below.

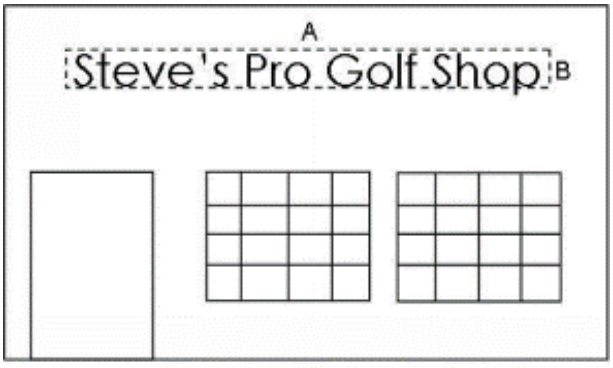


Figure 3

2. The area of a blade sign shall be calculated by multiplying the height of the sign face by the width of the sign face.

3. The sign area of a freestanding sign consisting of one sign shall be calculated as shown in Figure 4 below. The sign area of a freestanding sign consisting of more than one (1) sign shall be computed by adding together the total area(s) of all signs as shown in Figure 5 below.



Figure 4

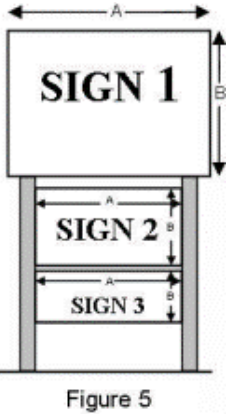


Figure 5

4. The sign area for multiple-sided signs shall be calculated as follows:
    a. The total sign area for a two-sided (back-to-back) sign shall be calculated using one (1) face, therefore allowing both faces to be of equal size (for example, a two-sided sign has two faces with 18 square feet per side, therefore the sign area is 18 square feet).
    b. The sign area for a three-sided sign shall be equal to the total area of signage permitted for a two-sided sign, for example, in item 3a above, a two-sided sign is allowed 18 square feet of sign area per side which equals 36 total square feet. If a three-sided sign is used instead of a one- sided or two-sided sign, the three-sided sign may allocate the 36 total square feet among three sides, therefore allowing three sides with 12 square feet per face for a total of 36 square feet of sign area.
5. The sign area of a monument sign consisting of a sign with a solid base shall be calculated as shown in Figure 6 below. The sign area of a monument sign consisting of signage within the base area shall be calculated as shown in Figure 7 below.

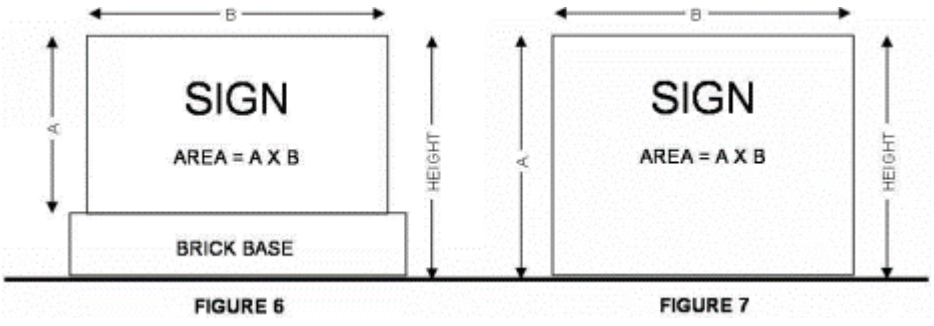


FIGURE 6 FIGURE 7

D. Maintenance of Signs. Signs that have been approved or that have been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.

1. A damaged sign shall be repaired within thirty (30) days.
2. A sign, which has been damaged, to such extent that it may pose a hazard to passersby

shall be repaired or removed immediately.

E. Lighting. Internal and external sign illumination shall be of low intensity. External sign illumination shall be down shielded and confined to the sign to minimize impacts to the surrounding area. Illuminated Signs require an electrical permit that is obtainable from the Washington State Department of Labor & Industries.

10-3E-9 City Wayfinding Signage Program

Consult with the City of Liberty Lake Planning & Building Services for more information on the City Wayfinding Signage Program.

Article 10-3F — Other Design Standards

Sections:

10-3F-1 **Solid Waste Storage**

10-3F-2 **Lighting**

10-3F-3 **Clearing and Grading**

10-3F-4 **Small Wireless Facilities**

10-3F-1 Solid Waste Storage

All structures that require site design review, as outlined in Article 10-4C, shall provide a solid waste storage area. Property owners shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects. Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two (2) weeks.

Except for single, two-family, and three family residential waste & recycle containers, all other solid waste storage areas containing trash dumpsters, compactors, etc. and recycle bins are to be screened from adjacent properties and public rights-of-way in accordance with Section 10- 3C-3, subsection H.

10-3F-2 Lighting

A. Purpose. The purpose of this Section is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this Section are intended to control skyglow, glare and light trespass. It is the intent of this Section to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

B. Applicability.

1. All outdoor lighting fixtures installed on private and public property shall comply with this Section. This Section does not apply to interior lighting; provided, that if it is determined by the Zoning Administrator that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this Section. Lighting shall also comply with the Non-Residential Energy Code (NREC), as applicable.
2. In the event of a conflict between the requirements of this Section and any other requirement of the City of Liberty Lake Municipal Code the more specific requirement shall apply.
3. Exterior lighting plans, photometric calculations and photometry plan as noted, and fixture specification sheets (cut sheets) must be supplied to the City to review for compliance with this Section.

C. Exemptions. The following are exempt from the provisions of this Section provided that they have no glare or other detrimental effects on adjoining streets or property owners:

1. Traffic control signals and devices;
2. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
3. Moving vehicle lights;
4. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Liberty Lake Municipal Code requires lighting that cannot comply with this Section. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
5. Outdoor lighting approved by the Zoning Administrator for temporary or periodic events (e.g., fairs, nighttime construction);
6. Internally illuminated signs and searchlights permitted under the City Signage Standards (Article 10-3E);
7. Private swimming pools;
8. Seasonal holiday decorations;
9. Window displays;
10. Pedestrian walkway lighting;
11. Residential lighting (excluding luminaires for the sidewalks and roadways);
12. Streetlights shall be designed and installed per Section 10-3G-2, subsection W of this Code;
13. Low light output (under 750 delivered lumens) decorative luminaires; and
14. Accent lighting on the municipal, state, or national flags that is properly shielded to limit direct glare.

D. General Standards. The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass onto adjacent properties under separate ownership unless the adjacent property owner grants an easement to extend the area of light trespass onto the adjacent property, provided that such easement is perpetual in duration and recorded with the Spokane County Auditor;
2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward (except as noted). The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky;
3. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as the Spokane River, unless it is a navigational light subject to state or federal regulations;
4. Accent/architectural lighting shall be directed onto the illuminated object or area and not toward the sky or onto adjacent properties under separate ownership. Colored lighting is allowed for accent as long as it meets this standard. All accent lighting must be included in trespass calculations noted. Uplight accent lighting is allowed as long as it does not

exceed 750 delivered lumens;

5. Spotlighting on landscaping and foliage may be directed upward and shall be limited to luminaires with no more than 750 delivered lumens and comply with other standards in this section.
6. Accent lighting on statues/monuments shall be limited to luminaires with no more than 750 delivered lumens and comply with other standards in this section; and
7. Accent lighting on flags (except as noted above) shall be limited to luminaires with no more than 750 delivered lumens and comply with other standards in this section.

E. Prohibited.

1. The following fixtures (luminaires) are prohibited:
    a. searchlights for any other purpose other than temporary emergency lighting or as allowed under the City Signage Standards (Article 10-3E);
    b. laser lights or any similar high-intensity light for outdoor use or entertainment;
2. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this Section.

F. Temporary Outdoor Lighting. Any temporary outdoor lighting that conforms to the requirements of this code shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the zoning administrator for a limited duration, provided that the applicant can demonstrate that such temporary lighting is in the public interest, and any potential annoyance or safety concerns that may result from the non-conforming temporary outdoor lighting can be mitigated through conditions of approval.

G. Recreational Facilities. Any light source permitted by this code may be used for lighting of outdoor recreational facilities (public or private), including but not limited to football fields, soccer fields, baseball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m., and circumstances prevented its conclusion before 11:00 p.m. Participant and spectator sports facilities in the M1, M2, C1, C2 and I zones shall be permitted to use lighting exempted under this Section until 12:30 AM, Monday through Friday, and until 1:30 am Saturday and Sunday, provided, however, that such time restrictions on illumination set forth in this Section shall not apply to any lighting on the property other than for the outdoor recreational facility.
3. Participant and spectator sports facilities in the M1, M2, C1, C2, and I zones may use light fixtures that have a rating of G5 or less under the BUG rating system, provided that the lighting shall be located no closer than one hundred fifty (150) yards from the boundary of the nearest Residential zone, and shall be limited in height to thirty (30) feet from the ground.

H. Lamp or Fixture Substitution. Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be

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

I. Administration. Outdoor lighting plans shall be reviewed by the Department. Approval of the plan shall be based on conformance with this Section. The Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare not permitted by the approved lighting plan.

J. Plan Review. Lighting plans shall address the following criteria:

1. Backlight and light trespass to adjacent properties. Applicant must provide a site plan with photometric calculations at the property line. The maintained foot-candle levels can be no more 0.1 at the property line and 0.0 10' beyond the property line, unless permitted under Section 10-3F-2(D)(1).

2. Uplight and skyglow. Using the Backlight, Uplight, and Glare (BUG) rating system, applicants must provide the luminaire specification sheets for all exterior fixtures showing no higher than a U0 for up-light. Exception: Luminaires with higher than U0 can be used if they are installed on the underside of an opaque surface that blocks all up-light (i.e. Soffits and canopies).

3. Glare and luminaire brightness. Using the BUG system rating system, applicants must provide luminaire specification sheets for all exterior fixtures showing no higher than a G1 in residential zones R1, R2, and R3; no higher than G2 in Mixed-Use zones M1, M2, and M3 as well as Public zones P; and G3 in Commercial and Industrial Zones C1, C2, and I. Open zones, O, shall not have luminaires with higher than G0 rating.

10-3F-3 Clearing and Grading

A. Applicability. All activities that involve the clearing, grading, filling, and/or covering of the ground shall apply for and receive a clearing and grading permit prior to commencing work, unless specifically exempted.

B. Exempt Activities. The following activities may be exempt from the requirements of this chapter unless it involves a drainage course, wetlands, environmentally sensitive areas, areas of special flood hazard, and/or archaeological sites:

1. Construction or maintenance of public roads when done by a public agency when the project has completed an environmental checklist, has been approved by the City, and the work is in existing or future public right-of-way;
2. The installation of utilities in accordance with a valid permit, franchise or road construction plan from the city, well drilling activities, or excavation for soil logs;
3. Routine maintenance and operation activities at cemeteries;
4. Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property;
5. The broadcasting of less than 100 yards of peat, sawdust, mulch, bark, or chips on a lot, tract or parcel of land, or the broadcasting of any amount of the above material to a maximum depth of eight (8) inches; or
6. Broadcasting of five yards or less of topsoil or soil nutrients not more than four (4) inches

deep; or

7. Landscaping and minor home improvement activities that do not involve heavy equipment such as excavators, bulldozers, etc.

C. Application Requirements. Unless specifically exempted by the City, all clearing and grading activities must receive a City permit or written approval. Applications shall be submitted on forms provided by the City, provided that the City may authorize the submittal of the required information as a part of a related application, such as a building permit.

1. Minor Clearing and Grading Activities. Nonexempt clearing, grading, filling, and excavation activities that do not involve a total of more than 100 cubic yards throughout the lifetime of the project, and that do not involve or adversely impact environmentally sensitive or critical areas, as determined by the City, may be considered minor clearing and grading activities; provided, that the City may determine that a proposed activity that otherwise meets the criteria of a minor clearing and grading permit shall be processed as a major clearing and grading permit based on a finding of unique and unusual circumstances or to protect the public health and safety.

2. Major Clearing and Grading Activities. All nonexempt clearing, grading, filling, and excavation activities that do not meet the minor clearing and grading criteria shall be considered major clearing and grading activities. The City may require that applications for major clearing and grading activities include plans stamped by a licensed geotechnical engineer and/or may require financial guarantees to ensure that neighboring properties, environmentally sensitive areas, and/or historical or archaeological sites are not adversely affected.

3. All clearing and grading permit applications must be submitted and shall be processed concurrently with all associated permits and approvals.

    a. A SEPA Checklist shall be required for all clearing and grading activities, unless it is determined by the City to be exempt from the environmental review requirements of Title 10, Chapter 6 of the City of Liberty Lake Development Code.

    b. Clearing and grading permits shall be processed as an Exempt or Type I project permit (in accordance with Article 10-4B) unless it is a part of a development activity that is subject to a Type II or III project permit (Article 10-4B).

D. Design Criteria. All work must be designed to a standard as required by the City and will follow standards of good engineering practices and principles. The applicant will be responsible for providing a design that is acceptable and, when constructed, a facility that can be easily maintained by the property owner. If circumstances create a hazard to life, endanger or adversely affect the use or stability of a public or private way or drainage courses, the City may impose additional or greater requirements to fulfill the intent of this Chapter.

1. All clearing and grading activities shall include temporary erosion control and stormwater management provisions designed and implemented in accordance with the requirements of the City's Engineering and Design Manual, unless specifically exempted by the City.

2. Excavation Standards – Cut Slopes.

    a. The top of cut slopes shall be set back from the site boundary at a 2.5:1 ratio (depth x 2.5) unless a retaining wall or swimming pool wall is designed by an engineer and constructed for the project.

    b. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two- and one-half horizontal to one vertical (2.5:1), or as

recommended by a soils engineer.

3. Fill Standards.

    a. The toe or catch point of fill slopes shall be set back from the site boundary at a 2.5:1 ratio (depth x 2.5) unless a retaining wall or swimming pool wall is designed by an engineer and constructed for the project.

    b. Slopes shall be no steeper than is safe for the intended use and shall not be steeper than two- and one-half horizontal to one vertical (2.5:1), or as recommended by a soils engineer.

    c. Fill which is intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC/IRC, as adopted by the City.

    d. Fill sites must be approved by the engineer as suitable locations for the proposed fill.

    e. Preparation of Ground. The ground surface for fills over five feet in height shall be prepared by removing vegetation, unsuitable fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill, and, where existing slopes are steeper than five horizontal to one vertical, by benching into competent material as determined by the engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical shall be at least 10 feet wide, or as recommended by a soils engineer.

    f. Fill Material. Except as permitted by the City, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.

    g. Slope Stability. Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.

E. Review coordination.

1. A grading permit will not be granted by the City until all other project-related public governmental agencies' approvals, if required, are received. Conditions imposed by other governmental agencies affecting the permit must be incorporated into the project's design and implemented by the applicant.

2. Issuance of a grading permit for the purpose of project site preparation may be withheld until all applicable permits or approval for the proposed project are obtained by the applicant.

3. When development is intended or proposed on a site affected by issuance of a grading permit, work allowed by the grading permit shall be subordinate to future site development conditions or requirements.

4. The issuance of a grading permit shall not relieve the applicant from complying with other applicable city zoning or land use regulations.

F. Financial Guarantees.

1. Guarantee Required. Prior to issuance of a permit, the applicant may be required to submit a financial guarantee to the City to assure compliance with the provisions of this chapter, the permit and approved plans. Improvements and facilities that must be guaranteed by the applicant are, but are not limited to, temporary and permanent erosion and sedimentation control work, drainage control work and restoration work.

2. General. Financial guarantees shall be in a form acceptable to the City and will not be

released by the city until all work is completed in accordance with the approved plans and conditions of the permit. All work must be completed within the time limits as noted on the permit or the approved plan for the project. If not completed, the city may use the financial guarantee to complete the work as outlined in the permit or approved plans, or complete those items of work that would safeguard adjacent or downstream property owners or may deposit the financial guarantee in a designated account as contribution toward the cost of completing the work. Collection of the financial guarantee does not relieve the applicant of the responsibility to complete the work, and the city may act as necessary to ensure completion of the work.

3. All financial guarantees shall run continuously until released by the City and shall not be subject to an expiration or cancellation date.

4. An engineer's estimate for the work to be accomplished, based on current construction costs, must be submitted to the City for review and approval. The City will establish the minimum financial guarantee at 150 percent of the estimate to allow for inflation, engineering expenses and administrative costs should the city have to complete the work. The City shall retain from the funds all costs associated with administration, collection of the funds and completion of the guaranteed work.

5. Upon receipt of an acceptable letter of completion from the applicant's architect or engineer, the City will release the applicable financial guarantee; provided, that the City may retain a portion or require a new financial guarantee to ensure that the improvements are adequately maintained and perform as designed.

G. Change of conditions.

Should the City become aware of conditions that invalidate the original design data used to obtain the permit or determine that the applicant is not complying with the conditions of the permit or approved plans, the city may revoke the original permit and/or order work stopped on the project. The City may require the applicant to resubmit information or plans for review and approval and apply for a new permit. The City may order all or part of the permitted work stopped for any period of time for any of the following reasons:

1. The applicant fails to comply with the conditions of the permit;

2. The permit was granted on the basis of erroneous information submitted to the City by the applicant;

3. The weather or weather-created conditions cause off-site or downstream drainage or water quantity or quality problems; and/or

4. The work has become a hazard to life, endangers property, or adversely affects the use or stability of a public way or drainage course.

H. Approval and inspection process.

1. Obligations of Engineer. The applicant shall be responsible for the inspection and approval of all work on private property as shown on the approved plan. This shall include, but is not limited to, all grading work, drainage facilities and erosion and sedimentation control facilities or other work approved for the project.

2. Notification of Completion. The applicant or his/her designee shall submit a letter to the City certifying that the completed project conforms to the conditions of the permit and approved plans and all grading work, drainage facilities, erosion control measures, etc., have been completed in accordance with the issued permit. The report shall be stamped and signed by the engineer and shall be worded as follows:

"I have inspected the project and find that the work substantially conforms to the terms and conditions of the permit and the intended design for the project."

Minor alterations to the system must be listed in the approval letter or noted on reproducible as-built drawings which must be submitted with the approval letter. City Inspection. After receipt of the notification of completion the City shall make a final inspection of the project.

3. Prior to completion of a project and/or the issuance of a certificate of occupancy, all temporary erosion control measures shall be removed and all final storm water measures installed and fully functional.

10-3F-4 Small Wireless Facilities

A. Applicability.

1. All small wireless facilities, as defined in §10-1C-B, that are located on public or private property shall be designed and maintained in accordance with the design requirements of this section.
2. The following are specifically excluded from the requirements of this section:
    a. Macro cell wireless communication antenna arrays and towers, which are regulated as conditional uses in certain zoning districts.
    b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small wireless facility.

B. Equipment Height and Volume Limits. Small wireless facilities are subject to the following height and volume limits:

1. Pole Height.
    a. Existing Poles. A pole extender may be used to attach a small wireless facility to an existing pole but may not increase the height of the existing pole by more than 10 feet, inclusive of the antenna, nor shall it exceed a total height of 50 feet, unless the applicant demonstrates in writing that a further height increase is necessary to provide sufficient separation and/or clearance from electrical and/or wireline facilities. In no event may any pole exceed 60 feet in height, inclusive of the pole extender and antenna.
    b. Replacement Poles. A replacement pole, inclusive of its antenna, shall not exceed the height of the existing pole by more than 10 feet nor shall it exceed a total height of 50 feet, unless the applicant demonstrates in writing that a further height increase is necessary to provide sufficient separation and/or clearance from electrical and/or wireline facilities. In no event may any replacement pole exceed 60 feet in height, inclusive of the antenna.
    c. New Poles. New poles shall not exceed 50 feet in height, inclusive of the antenna.
2. Equipment Volume.
    a. Each antenna shall be located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements shall be capable of fitting within an

imaginary enclosure of no more than three cubic feet; and

b. Total 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. Underground equipment shall not be included in the calculation of total wireless equipment volume.

C. Standards Applicable to All Small Wireless Communication Facilities.

1. Non-interference. Small wireless facilities shall not interfere with existing use of the right-of-way for transportation, public or private utilities, street trees and landscaping, or public health or safety facilities, including fire hydrants.

2. Obstructions. Ground-mounted equipment, replacement poles, and/or new poles shall comply with the Americans with Disabilities Act ("ADA"). Each component of the small wireless facility shall be located so as not to cause any physical or visual obstruction or safety hazard to pedestrian or vehicular traffic and shall comply with all local, state and federal laws, regulations and orders regarding clear and safe passage within the right- of-way. Facilities shall comply with the requirements of the "clear view triangle", as detailed in City Development Code §10-3B-2(N).

3. Structural Strength. Each small wireless facility shall be properly designed and engineered to withstand seismic, wind, and ice loads. Engineering calculations shall be required to demonstrate poles and other support structures upon which the small wireless equipment is proposed to be collocated are adequately designed to support the weight of the small wireless equipment while withstanding seismic, wind, ice, and snow loads applicable in the City of Liberty Lake.

4. Public Health Compliance Standard. The small wireless facility shall comply with the following public health compliance standard:

   a. Any potential exposure to radio frequency emissions from a proposed small wireless facility is below the threshold established by FCC regulations, as detailed in 47 CFR §1,1307(B), (including aggregate emissions from collocated equipment).

5. Concealment Requirements. Small wireless facilities are subject to the following concealment requirements:

   a. The facility shall not exceed the height and volume limits imposed by this chapter.

   b. The applicant shall employ screening, camouflaging and/or other stealth techniques to minimize the visual impact of the small facility, to the extent technically feasible. The purpose of this requirement is to maximize the extent to which the small wireless facility will blend into the surrounding environment and minimize visual clutter.

   c. Primary equipment enclosures shall be underground, incorporated and concealed within pole structure or street furniture, or incorporated into the base of the pole, to the maximum extent feasible. Equipment enclosures shall be no larger than is necessary to enclose the equipment.

   d. Pole-mounted equipment shall be flush mounted, except as otherwise required by applicable safety codes or pole owner requirements.

   e. Cables and wires shall be routed within the interior of the pole to the maximum extent feasible. Where interior installation is infeasible, conduit attached to the exterior of the poles shall be flush mounted, except as otherwise required by

applicable safety codes or pole owner requirements, and shall be painted to match the pole, in the case of non-wooden poles. All cabling shall be encased in conduit.

f. The small wireless facility shall not be illuminated.

g. No advertising, signage, message, or identification other than manufacturer's identification or other required identification by governing law is allowed to be portrayed on any antennae or equipment enclosure. Displays of public art and/or artistic wraps shall be permitted on equipment enclosures, if so commissioned by the City, with the mutual agreement of the applicant/owner.

D. Standards for Pole Mounted Facilities.

1. Non-Wooden Light Pole Standard. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

a. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the equipment enclosures must be painted or otherwise camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning not more than 12 inches off of the pole, or the minimum needed to achieve safety clearances and antenna tile needs, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities.

b. The farthest point of any equipment enclosure may not extend more than 28 inches from the face of the pole.

c. All conduit, cables, wires, and fiber must be routed internally in the light pole, when technically feasible. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.

d. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that it is technically infeasible to locate the equipment cabinet underground or at the base of the pole.

e. An antenna on top of an existing pole may not extend more than ten feet above the height of the existing pole and the diameter may not exceed 18 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored or painted to match the pole, if technically feasible, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening, if technically feasible. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

f. An omnidirectional antenna may be mounted on the top of an existing or replacement non-wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

g. Any replacement pole shall substantially conform to the design of the pole it is

replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

h. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary; provided, however, that the height of the replacement pole cannot be extended further by additional antenna height.

i. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection (C)(1) and (C)(2) of this section.

j. The height of the luminaire on a replacement pole shall match the height of the luminaire on the pole that is being replaced.

k. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

l. Exceptions to these standards may be granted by the zoning administrator (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

2. Wooden Pole Standard. Small wireless facilities located on wooden poles shall conform to the following design criteria:

a. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, however, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wire line facilities.

b. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

c. Equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted a consistent, neutral color (brown, tan, or grey).

d. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.

e. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume.

f. A canister antenna may be mounted on top of an existing wooden pole but may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 18 inches in diameter, measured at the top of the pole, and shall be colored or painted

a consistent, neutral color (brown, tan or grey). The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

g. The farthest point of any equipment enclosure may not extend more than 28 inches from the face of the pole.

h. An omnidirectional antenna may be mounted on the top of an existing wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

i. All appurtenant equipment, including but not limited to accessory equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles, shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required and is confirmed in writing by the pole owner.

j. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted, as may be permitted based upon the requirements of subsection (C)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure(s) and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna, and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 28 cubic feet.

k. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that it is technically infeasible to locate the equipment cabinet underground, at the base, or near the top of the pole.

l. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so; provided, that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole does not exceed 28 cubic feet. The unified enclosure may not be placed more than six inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole.

m. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

n. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and all associated equipment shall be removed.

o. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole.

p. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

q. Exceptions to these standards may be granted by the zoning administrator (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

3. Wireless Only Pole Standard. All pole-mounted transmission equipment shall be collocated on existing poles or replacement poles, unless permitted based on the required justification for a new wireless only pole. A wireless only pole may be permitted if the applicant submits a new pole justification report demonstrating to the reasonable satisfaction of the zoning administrator that no pole currently exists within the right-of-way within a 250-foot radius of the proposed new pole that is available for use by the applicant and that would provide substantially equivalent functionality. If so demonstrated, such new pole shall comply with the following design standards, in addition to the other requirements detailed in this section. Wireless only poles shall:

   a. Resemble existing poles in the right-of-way near that location, with the exception of pole designs that are scheduled to be removed and not replaced; if no existing poles are located in the right-of-way near this location, the new wireless pole shall be a non-wooden pole; and,

   b. Antennas and the associated facility equipment enclosures (including disconnect features and other appurtenant equipment) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible; and,

   c. Be located at least 180 feet from any existing pole, unless the applicant demonstrates to the zoning administrator's (or designee's) reasonable satisfaction that (i) the minimum separation requirement cannot be satisfied for technical reasons and (ii) placement of the small wireless facility at a distance less than 180 feet from an existing pole will meet the intent of reducing visual clutter to the greatest extent practicable.

   d. Exceptions to these standards may be granted by the zoning administrator (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

E. Strand Mounted Facilities. Small wireless facilities mounted on cables strung between existing poles shall only be permitted if the applicant has successfully demonstrated that collocation of the proposed facility on an existing structure or a wireless only pole is technically infeasible or inadequate for network objectives in that specific area. If so permitted based upon such demonstration, the following standards shall apply in addition to all other requirements of this section:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;

2. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small wireless;

3. Only one strand-mounted facility is permitted per cable between any two existing poles;
4. The strand-mounted device shall be placed as close as possible to the nearest pole and in no event more than six feet from the pole unless a greater distance is technically necessary or required by the pole owner for safety clearance;
5. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic; and,
6. Strand-mounted devices shall be installed to cause the least visual impact, including by utilizing the minimum amount of exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.
7. Exceptions to these standards may be granted by the zoning administrator (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

F. Traffic Signal Mounted Facilities. Small wireless facilities are not permitted on traffic signals poles unless denial of the siting is demonstrated to be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC 253 and 332.

G. Standards for Facilities Attached to Existing Buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
6. Small wireless facilities shall be painted or colored and textured to match the adjacent building surfaces.

Article 10-3G — Public Facilities Standards

Sections:

10-3G-1 **Purpose and Applicability**

10-3G-2 **Transportation Improvements**

10-3G-3 **Public Use Areas**

10-3G-4 **Sanitary Sewer and Water Service Improvements**

10-3G-5 **Storm Drainage Improvements**

10-3G-6 **Utilities**

10-3G-7 **Easements**

10-3G-8 **Construction Plan Approval and Assurances**

10-3G-9 **Installation**

10-3G-1 Purpose and Applicability

A. Purpose. The purpose of this article is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this article is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, transit, and bicycling. This article is also intended to implement the City's Transportation Improvement Plan.

Important cross-reference to other standards: The City requires that streets provide direct and convenient access, including regular intersections. Article 10-3B - Access and Circulation provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks. Several references within this article refer to the City of Liberty Lake Engineering Design Standards which is available from the City Engineer.

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this article and the City of Liberty Lake Engineering Design Standards. No development may occur unless the public facilities related to development comply with the public facility requirements.

C. Standard Specifications. The City Engineer shall establish standard construction specifications consistent with the concepts of this article and application of engineering principles. These specifications shall be contained in the City of Liberty Lake Engineering Design Standards, and they are incorporated in this code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval

shall indicate how the required improvements are roughly proportional to the impact.

10-3G-2 Transportation Improvements

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Article 10- 3B - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Transportation Improvement Plan, the provisions of this article, and the City of Liberty Lake Engineering Design Standards.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this article and the City of Liberty Lake Engineering Design Standards. Public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. New streets and drives connected to a collector or arterial street shall be paved; and
4. The City may accept a future improvement guarantee [e.g., owner agrees not to object against the formation of a local improvement district in the future in lieu of street improvements if one or more of the following conditions exist:
    a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
    b. Due to the developed condition of adjacent properties, it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
    c. The improvement would be in conflict with an adopted capital facility plan; or
    d. The improvement is associated with an approved land division on property zoned residential and the proposed land division does not create any new streets.
5. Privately owned and maintained streets may be allowed but are not encouraged. However, private streets must meet all the design and construction standards required for public streets. A homeowner's or property owner's association must be established to provide for street repair and maintenance.

B. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final plat, binding site plan, or short plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation Improvement Plan, and the deeded right-of-way conforms to the standards of this Code and the City of Liberty Lake Engineering Design Standards. All deeds of dedication shall be in a form prescribed by the zoning administrator and shall name "the public," as grantee.

C. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Article 10-3B - Access and Circulation. Access easements shall be created and maintained in accordance with the Fire Code.

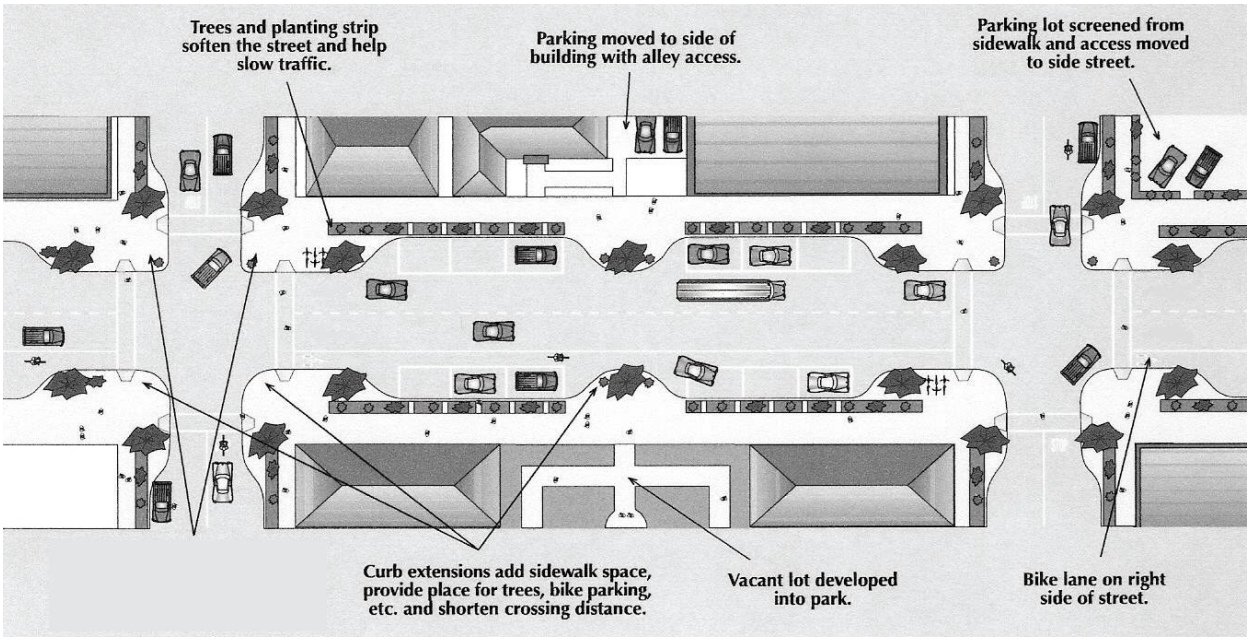
D. Street Location, Width, and Grade. Except as noted below, the location, width, and grade of all streets shall conform to the Transportation Improvement Plan, as applicable, the City of Liberty

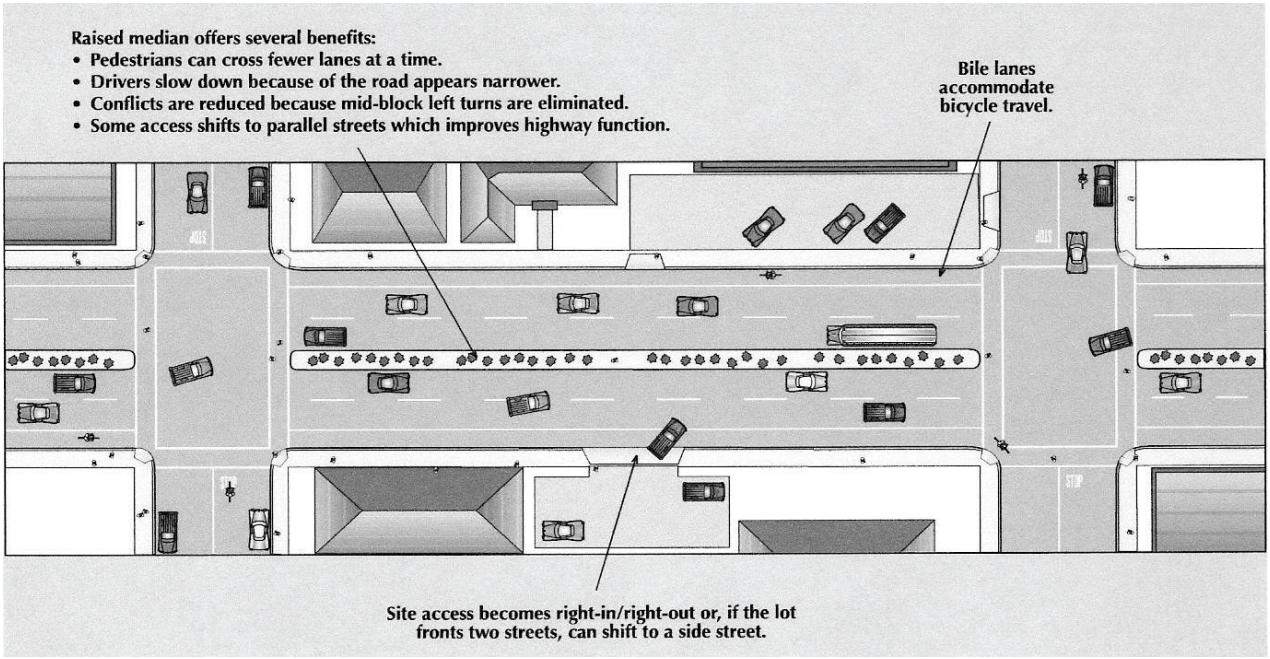
Lake Engineering Design Standards; and an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience, and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with the City of Liberty Lake Engineering Design Standards; and
2. Where the location of a street is not shown in an existing street plan (See subsection 'G'), the location of streets in a development shall either:
    a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this article and the City of Liberty Lake Engineering Design Standards, or
    b. Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

E. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths listed in the City of Liberty Lake Engineering Design Standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

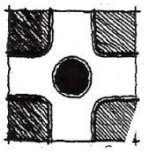
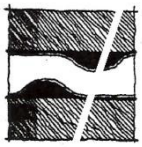
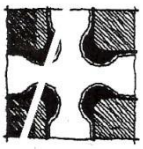
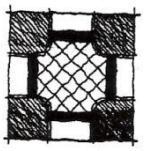
1. Street classification in the Transportation Improvement Plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize or prevent drainage, slope, and critical area impacts, as identified by the Comprehensive Plan;
8. Street tree location, as provided for in Section 10-3C-4;
9. Protection of significant vegetation, as provided for in Section 10-3C-2;
10. Safety and comfort for motorists, bicyclists, and pedestrians;
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
12. Access needs for emergency vehicles; and
13. Transition between different street widths (i.e., existing streets and new streets), as applicable.





F. Traffic Signals and Traffic Calming Features.

1. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
2. Traffic signals shall be required with development when traffic signal warrants are met. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

Drawing	*Technique*	*Description*
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

Traffic Calming Features

G. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Zoning Administrator determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
    a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
    b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
    c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length and must be paved according to the adjoining street standard.

H. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, parks, and transit facilities.
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the standards in Section 10-3B-2, subsection 'J'.

I. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Section 10-3G-2, Section 10-3B-3, Section 10- 3C-4, applicable provisions of the Transportation Improvement Plan, the Comprehensive Plan, adopted street plans, and the City of Liberty Lake Engineering Design Standards. Separated sidewalks with planters shall be required along both sides of streets in all new developments, unless existing sidewalks prohibit the use of separated sidewalks or physical constraints (e.g., topography) prevent construction in conformance with the standards, as determined by P&CD and additional sidewalks or pathways will be required within the development or the City. The use of urban streetscapes is encouraged in mixed use zones and designs shall be reviewed for compliance with the intent of the street tree and sidewalk standards. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner and sidewalks shall be kept free of obstructions to pedestrians at all times.

J. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity. See the City of Liberty Lake Engineering Design Standards for details.

K. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of this article.

L. Cul-de-sacs. A cul-de-sac should be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

M. Grades and Curves. Grades shall not exceed standards in the City of Liberty Lake Engineering Design Standards.

N. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Article 10-3B - Access and Circulation and the City of Liberty Lake Engineering Design Standards.

O. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by the Washington State Department of Transportation.

P. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;
2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 10-3B-2, subsection F(4);
3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 10-3B-2.

Q. Alleys, Public or Private. Alleys shall conform to the standards in this Code and the City of Liberty Lake Engineering Design Standards. Alleys shall be provided off Local Access or Collector Streets only, not Arterials, and shall connect to a Local Access or Collector street at both ends.

R. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited, unless the streets conform to the public street standards in the City of Liberty Lake Engineering Design Standards.

S. Street Names & Addresses. No street name shall be used which will duplicate or be confused with the names of existing streets in Spokane County, except extensions of existing streets may be permitted. Street names, signs, and numbers shall conform to the established pattern in the City. Addresses shall be assigned by the City and provided off streets only. If a building does not have street frontage (e.g. common area or pedestrian path frontage), then the address shall be provided based on the street connection point for vehicular access and appropriate signage shall be provided for public safety. Exceptions may be granted by the Zoning Administrator for specific situations, including auto-court lanes.

T. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

U. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names, unless it is delegated to the developer. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

V. Mailboxes. Plans for mailboxes to be used shall be approved by the United States Postal Service.

W. Street Light Standards. Streetlights shall be installed for all new development by the developer / applicant to encourage a pedestrian friendly environment and enhance community safety and business exposure. Final lighting fixture selection and location shall be made by the City based on developer / applicant proposals. The developer / applicant should coordinate with Avista Utilities for style / fixture selection. All streetlight electrical installations including wiring, conduit, and power connections shall be located underground. A plan shall be provided showing the proposed fixture types and locations along with light fixture specification sheets and each fixture shall be equipped with a photocell. Current AASHTO Roadway Lighting Design Guidelines, or equivalent guidelines shall be utilized. The City Engineer shall make the final determination of the lighting category applied to a site.

X. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway, unless otherwise approved by the City Engineer. Street construction shall comply with the City of Liberty Lake Engineering Design Standards. Street improvements shall be in place prior to the issuance of a Certificate of Occupancy on any structure.

10-3G-3 Public Use Areas

A. Dedication Requirements.

1. Private Parks or Greenway Dedications. Land set aside for private parks or greenways shall be dedicated to a Home Owner Association or related private entity responsible for the ownership and maintenance of said property. Private park and greenway dedications shall include provisions for public easement access.
2. Public Park and Greenway Dedications. Land set aside for public parks or greenways shall be dedicated to and accepted by the city. The City shall agree to a general park development plan at the time of title transfer. Land dedicated for public park use shall include covenant language that would require that the property be used and developed for use as a public park. The City may not transfer or use land dedicated for park and open space use for any other purpose.
3. Location of Dedications. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in an area proposed for land division, the City may require the dedication or reservation of this area on the final plat, short plat, or BSP. As development occurs, the developer and the city shall work concurrently to identify the size, location, and configuration of proposed parks and greenways consistent with the city's adopted Parks, Recreation, Open Space, and Trails Plan. All proposed residential uses shall be located within ½ mile of a park or greenway area. Access easements for public trail corridors may be required and trails would be designed in accordance with 10-3B-3, to allow for connections to the existing trail system or future trail and wildlife corridors.

4. Timing of Dedications. Dedications shall occur in phases as part of the final platting of the property. Dedication of land to the City shall be coordinated between the City and the Developer dependent upon availability of access and utilities and the City timeline for development of park improvements.

5. Private Open Space Areas. Private open space areas will be part of the development of private projects and will occur when those properties are developed. The open space areas that will be part of residential, office, mixed use, and commercial developments will be owned and maintained by the project developer and owner. The private open space areas will be primarily for the use and benefit of the occupants or tenants of the project and will generally not be open for general public use.

B. Reservations and Acquisition by Public Agencies. Land reserved for acquisition by a Public Agency shall be secured with an agreement for purchase upon reservation. Land reserved for a park, playground, or other public use shall be acquired by the appropriate public agency within the defined period, mutually agreed upon time schedule, and price.

C. System Development Charge / Mitigation Fee / Impact Fee Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge, mitigation fee, or impact fee for parks, as applicable.

10-3G-4 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted construction specifications and the applicable Comprehensive Plan policies.

B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City and the utility purveyor have approved all sanitary sewer and water plans.

C. Over-sizing. Proposed sewer and water systems should be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer may be entitled to a system development charge or impact fee credits for the oversizing, if applicable.

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in RCW 35A.63.220.

10-3G-5 Storm Drainage Improvements

The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Article 10-3H - Stormwater Management.

10-3G-6 Utilities

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground if screened, temporary utility service facilities during construction, and high-capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Section 10-3B- 2, subsection N);
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, critical areas, or existing development conditions, as determined by the zoning administrator/designee.

10-3G-7 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be dedicated on a final plat or provided for in recorded easements. See also, Article 10-4C - Site Design Review, and Article 10-4D - Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 10 feet when adjoining a public right-of-way, and 20 feet when private property is located on both sides of the easement, unless otherwise specified by the utility company, applicable district, or the City Engineer.

10-3G-8 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City or applicable district for construction and other services in connection with the improvement. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, Article 10- 4C - Site Design Review, and Article 10-4D - Land Divisions.

10-3G-9 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these

regulations or at his/her own option, shall conform to the requirements of this article, approved construction plans, and to improvement standards and specifications adopted by the City, including the City of Liberty Lake Engineering Design Standards.

B. Adopted Installation Standards. The most current edition of the Standard Specifications for Road, Bridge, and Municipal Construction from WSDOT, shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

C. Commencement. Work shall not begin until the City has been notified two (2) working days in advance and a pre-construction meeting has been held.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Article 10-4F - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. Engineer's Certification and As-Built Plans. A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 set(s) of "as-built" plans and one reproducible original plan, in conformance with the City Engineer's specifications, for permanent filing with the City.

Article 10-3H — Stormwater Management

Sections:

10-3H-1 Spokane Regional Stormwater Manual (April 2008)

10-3H-1 Spokane Regional Stormwater Manual (April 2008)

All development within the City shall comply with the Spokane Regional Stormwater Manual (April 2008), as amended by the City of Liberty Lake through the City's adopted Engineering Design Standards. The Manual serves as a single technical stormwater manual for the Spokane region. It provides uniform stormwater management standards and is a central repository for Best Management Practices (BMPs).

Article 10-3I — Property Maintenance Standards

Sections:

10-3I-1 **Purpose**

10-3I-2 **Applicability**

10-3I-3 **General Outdoor Maintenance Requirements**

10-3I-4 **Housing Maintenance Requirements**

10-3I-5 **Administration and Enforcement**

10-3I-1 Purpose

The purpose of this Title is to protect the health, safety and welfare of Liberty Lake citizens, to prevent deterioration of existing housing, and to contribute to vital neighborhoods by:

A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, sanitation, fire safety, and maintenance.

B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.

C. Regulating dilapidated buildings.

10-3I-2 Applicability

The provisions of this Article shall apply to all property in the City except as otherwise excluded by law. Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Article shall be in accordance with the Development Code, applicable Building Regulations, and any applicable County, State, and/or Federal laws or regulations. If any portion of this article is in conflict with any other regulations of the City Municipal Code, the more restrictive shall apply and the procedures for administration and enforcement specified within this article shall always apply.

10-3I-3 General Outdoor Maintenance Requirements

A. Maintenance Requirements. It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

1. Holes, tanks, and child traps.

   Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

2. Unsecured structures.

   Board over or otherwise secure, and maintain, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.

3. Vermin harborage.

   Remove or repair and prevent any condition that provides a place where vermin gain shelter, feed, or breed.

4. Emergency access routes.

   Remove and maintain all brush, vines, overgrowth, and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

5. Thickets that conceal hazards.

   Cut, remove, and maintain all vines and other thickets when such growth is found to be:

   a. Concealing trash and debris; or

   b. Creating vermin harborage; or

   c. Creating harborage for people involved in criminal activity or for products used for criminal activity.

6. Overgrown lawn areas, fields, and vegetation.

   Weeds, grass, or other uncultivated vegetation prohibited by this Code whether located on developed or undeveloped property shall be cut and removed. A property owner has a further duty to remove or destroy all uncultivated grass and weeds, including dead shrubs, bushes and trees which have no appreciable, practical use or value to the property, create a fire hazard or pose a menace to public health, safety, or welfare. The word “weeds” shall include noxious weeds regulated pursuant to RCW Chapter 17.10.

7. Trash and debris.

   Remove and maintain, unless specifically authorized by ordinance to do otherwise:

   a. All household garbage, offal, dead animals, animal and human waste, and waste materials (All household garbage shall be stored as specified in Section 10-3I- 4);

   b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

   c. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating vermin harborage, as otherwise defined in this article; and

   d. Accumulations of clothing and any other items not designed for outdoor storage.

8. Storage of non-trash items.

   Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

   a. Accumulations of wood pallets.

   b. All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.

c. Accumulations of vehicle parts or tires, unless the parts or tires are enclosed within a legally permitted structure.

d. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

9. Junk vehicles.

   No junk vehicles, as such term is defined in RCW 46.55.010, shall be stored on any property within the City for a period exceeding 30 days, unless the same is stored on private property within an enclosed, legally permitted structure or is covered by a vehicle cover intended for such purpose. A junk vehicle does not include a motor vehicle which is in the process of being repaired as evidenced by the good faith efforts of the vehicle owner, as defined in City Ordinance No. 109. Removal and abatement of such junk vehicles shall be in accordance with the provisions of Ordinance No. 109, an Ordinance of the City of Liberty Lake, Washington, Relating to Junk Vehicles Including Procedures for the Abatement and Removal as Public Nuisances.

10. Obstructions to sidewalks, streets, and other rights of way.

    Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the minimum clearances as detailed in paragraphs 11, 12, and 13 of this subsection.

11. Sidewalks.

    When any street is improved with a sidewalk along either or both sides thereof, the duty to clean and maintain the same shall be upon the abutting property owner. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, by removing snow and ice, or any accumulation of debris, materials or objects. All sidewalks must be clear of obstructions from edge to edge to an elevation of seven feet six inches (7’ 6”) above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and tree limbs that project over the sidewalk area at an elevation of less than seven feet six inches (7’ 6”) above the sidewalk level must be removed. Sidewalk damage from heaving or cracks with a vertical separation of greater than ¼ inch must be repaired, as it creates a trip hazard.

12. Improved streets.

    All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of thirteen feet six inches (13' 6") above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; tree limbs that project over a street at an elevation of less than thirteen feet six

inches (13' 6") above street level must be removed; and no wires or other items shall be maintained over the street level at any elevation less than thirteen feet six inches (13' 6"). Adjacent property owners shall prune tree branches so that the branches do not obstruct the view of any street intersection or traffic control devices.

13. Alleys and unimproved rights of way.

    All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

14. Tree maintenance.

    a. No street trees shall be removed without the prior authorization of the City.

    b. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs adjacent to all public streets, alleys, avenues, lanes, squares and public grounds, as is necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public properties and rights-of-way.

    c. The City may remove or cause by order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

    d. Tree topping is not permitted as a normal practice for street trees, or other trees on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this section at the determination of the city.

    e. Owners shall remove all dead, diseased, dangerous, broken or decayed limbs which threaten the safety of the public.

    f. The city may prune any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign or causes a threat to public safety.

    g. All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

B. Other Endangering Conditions. It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

1. Any damage to or failure of an on-site sewage disposal system, private sewer line, or storm water system, and

2. Any other substance, material, or condition which is determined by the zoning administrator to endanger neighboring property, the health or safety of the public, or the occupants of the property.

10-3I-4 Housing Maintenance Requirements

A. General Provisions. No owner shall maintain, or permit to be maintained, any residential property which does not comply with the requirements of this article. All residential property shall be

maintained to the building code requirements in effect at the time of construction, alteration, or repair.

B. Display of Address Number. Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

C. Accessory Structures. All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

D. Roofs. Roofs shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

E. Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be re-bonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

F. Foundations and Structural Members.

1. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
2. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

G. Exterior Walls and Exposed Surfaces.

1. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
2. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
3. Exterior metal surfaces shall be protected from rust and corrosion.
4. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

H. Stairs and Porches. Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

I. Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.
2. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
3. Where not otherwise required by original building codes, porches, balconies, or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

J. Windows and Doors. All windows and doors, including garage doors shall be maintained in an operable condition and capable of performing their intended purpose.

K. Insect and Vermin Harborage. Every dwelling shall be kept free from insect and vermin infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

L. Cleanliness and Sanitation.

1. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.
2. The interior of every dwelling shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.
3. The owner of any residential rental property shall provide in a location accessible to all dwelling units at least one 30-gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, into which garbage and rubbish from the dwelling units may be emptied for storage between days of collection. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times. The owner of the units shall subscribe to and pay for weekly garbage removal service for the receptacles required by this subsection.

M. Maintenance of Facilities and Equipment. In addition to other requirements for the maintenance of facilities and equipment described in this article:

1. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.
2. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

N. Overcrowding. No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there is more than 1 resident per 200 gross square feet of dwelling, or as defined in the adopted Building Code.

10-3I-5 Administration and Enforcement

All conditions in violation of Article 10-3I of this Code shall constitute a code violation. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to the penalties provided for by Article 10-1D — Enforcement. In cases where the Zoning Administrator determines that it is necessary to take immediate action in order to meet the purposes of this article, the issuance of an emergency order shall be authorized, as outlined in Section 10-1D-9.

CHAPTER 4

APPLICATIONS AND REVIEW PROCEDURES

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Article 10-4A — Administration of Land Use and Development Permits

Sections:

10-4A-1 **Introduction**

10-4A-2 **Concurrency**

10-4A-1 Introduction

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Please refer to Article 10-4B below to determine which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

10-4A-2 Concurrency

A. Concurrency Facilities and Services.

1. Applicability. The following facilities and services must be evaluated for Concurrency:
    a. Public Water
    b. Public Sewer
    c. Transportation
    d. Stormwater
    e. Law Enforcement
    f. Parks and Open Space
    g. Libraries
    h. Solid Waste Disposal
    i. Street Cleaning
    j. Public Transit
    k. Fire and Emergency Services
    l. Public Schools
2. Direct Concurrency.

    Transportation, Public Water, and Public Sewer shall be considered Direct Concurrency Services. Concurrency requirements for public water and public sewer service are detailed in Section 10-4A-2, subsection F below. A financial guarantee for required improvements can be used to "final a project", but transportation facilities serving a development must be constructed prior to occupancy. Applicable permit/project applications shall require Transportation Concurrency Review, described below. A Concurrency Certificate shall be issued to development proposals that pass the Transportation Concurrency Review.

3. Indirect Concurrency.

   Stormwater, Law Enforcement, Parks and Open Space, Libraries, Solid Waste Disposal, Street Cleaning, Public Transit, Fire and Emergency Services, and Public Schools shall be considered Indirect Concurrency Services. The City of Liberty Lake shall demonstrate the adequacy of Indirect Concurrency services through the Capital Facilities Plan (CFP). The CFP will be updated annually, at which time all Indirect Concurrency Services will be evaluated for adequacy. The evaluation will include an analysis of population, Level of Service, and land use trends in order to anticipate demand for services and determine needed improvements. If any Indirect Concurrency Services are found to be inadequate, the City will adjust plans to lessen the demand for services, include a project in the CFP to address the deficiency, or adjust the Level of Service.

B. Transportation Concurrency and Review.

1. The following project permits/project applications shall be subject to Transportation Concurrency Review.
   a. Plats and Binding Site Plans
   b. Short Plats
   c. Zone Changes with site plans
   d. Planned Unit Developments
   e. Commercial/Industrial building permits
   f. Residential building permits over 4 units
   g. Conditional Use Permits
   h. Manufactured Home Parks
   i. Extension of time (see exemption No. 2.b.)
   j. Change of conditions

   A Certificate of Concurrency, issued by the City, shall be required prior to approval of the above applications, if applicable.

2. The following shall be exempt from Concurrency Review:
   a. Project permits that were issued, or project applications that were determined to be complete (see RCW 36.70B) prior to the effective date of these Concurrency Regulations.
   b. Any project permit that will have insignificant transportation impact, and that will not change the traffic volumes and flow patterns in the peak travel periods, as determined by the Zoning Administrator.
   c. The following project actions:
      i. Boundary line adjustments;
      ii. Final Plats/ Final PUD's/ Final Short Plats/ Final Binding Site Plans;
      iii. Temporary Use Permits;
      iv. Variances.
   d. Proposed project permits/project applications that do not create additional impacts

on transportation facilities. Such projects may include but are not limited to:

i. Any addition or accessory structure to a residence with no change or increase in the number of dwelling units, up to 4 units;

ii. Interior renovations with no change in use or increase in number of dwelling units, up to 4 units;

iii. Any addition, remodel, or interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.

C. Transportation Concurrency Review Procedures.

1. Applicability. All project permits, except for those exempt, shall apply for Transportation Concurrency Review at the time applications for project permits are submitted. Inquiries about availability of capacity on transportation facilities or applicable mitigation fees may be made prior to project permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Concurrency Certificate as set forth in these regulations. These procedures may not apply if a transportation mitigation plan is adopted that specifies procedures for transportation mitigation.

2. Procedures.

a. Applications for Transportation Concurrency Review shall be submitted on forms provided by the City.

b. Transportation Concurrency Review shall be performed for the specific property, uses, densities, and intensities based on the information provided by the Applicant/Property Owner. The Applicant/Property Owner shall specify densities and intensities that are consistent with the uses allowed.

c. The City shall issue a Concurrency Determination if a mitigation fee is not being utilized.

d. The City shall notify the Applicant/Property Owner of the results of the Concurrency Determination or of the applicable required mitigation fees within 30 days of receipt of Application for Transportation Concurrency Review. If additional information is needed to determine Concurrency, such additional information may be requested by the City. Such request shall not make the original project application deemed incomplete.

e. The project permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate Concurrency will be completed.

f. If the proposed project fails the Concurrency Test and the project permit cannot be conditioned to accomplish concurrency, the project permit(s) shall be denied.

g. If the proposed project passes the Concurrency Test, the City shall issue a Concurrency Certificate to the Applicant/Property Owner. The Certificate shall be used to maintain an accounting of traffic impacts on City Streets and the capacity that has been reserved or the mitigation fee that is required to be paid.

h. If the project permit has been withdrawn, expires, or is otherwise cancelled, the Concurrency Certificate shall automatically be voided.

3. Relation to Other Requirements.

Compliance with or exemption from the requirements of these regulations shall not exempt a project from compliance with all other City, County, State, and Federal regulations.

4. Concurrency Certificate.

    a. A Concurrency Certificate shall only be issued upon payment of any concurrency or mitigation fee due.

    b. A Concurrency Certificate shall apply only to the specific land uses, densities, intensities, and project described in the application and project permit.

    c. A Concurrency Certificate is not transferable to other property but may be transferred to new owners of the same property.

    d. A Concurrency Certificate shall remain valid so long as the accompanying project permit has not expired or been revoked.

    e. A Concurrency Certificate is valid for any modification of the permits for which the Certificate was issued so long as such modification does not require the Applicant to obtain a new project permit.

    f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

5. Concurrency Certificate and Mitigation Fees.

    Fees for issuing Concurrency Certificates shall be based on an adopted fee schedule. Mitigation fees shall be based on the adopted mitigation plan.

D. Phased Development. When a project is proposed in phases or construction is expected to extend over some period of time, the Applicant/Property Owner may offer a schedule of occupancy that will be used by the City to determine the schedule of transportation improvements that must be completed, or financially guaranteed, prior to the finaling of each phase. However, the required transportation improvements shall be determined by analyzing the traffic impacts estimated to be generated by the fully completed project.

E. Transportation Concurrency Test Procedures.

1. Highway Capacity Manual methods selected by the City Engineer shall be used to analyze project impacts to intersections.
2. Level of Service information in the Capital Facilities Plan, which is updated annually, shall be used as a starting reference to analyze project impacts.
3. Level of Service information shall be updated as necessary to account for traffic levels resulting from the following:

    a. traffic from newly constructed projects;

    b. projects for which traffic impacts have been tentatively reserved;

    c. projects for which a Concurrency Certificate has been awarded; and

    d. non-project, general background traffic increases.

    e. Level of Service information shall also be updated as necessary as a result of any discontinued Concurrency Certificates, funded road projects, or new Level of Service analysis.

4. Each City intersection affected by the proposed projects shall be reviewed and analyzed for Concurrency. The Applicant/Property Owner may be required to provide a traffic analysis if existing information does not provide adequate information for the Concurrency assessment.

5. Project proposals shall pass the Concurrency Test if:

    a. the transportation impacts from the proposed project does not decrease the Level of Service of affected intersections below the adopted standards; or

    b. the Applicant/Property Owner agrees to modify the project or provide transportation improvements and/or binding financial commitments that will result in the Level of Service of each deficient intersection meeting or exceeding the adopted standards.

F. Water and Sewer Concurrency. New development shall not be approved unless the proposal can demonstrate the availability of public water and sewer services consistent with adopted Levels of Service, and consistent with the definition for Concurrency in the City Comprehensive Plan. New development must:

1. Be connected to a public sewer at the time of occupancy.

2. Developer-financed extensions of public sewer may be allowed provided capacity and infrastructure needs are adequately addressed. For purposes of this section, new development shall include plats, short plats, binding site plans, manufactured home park site development plans, planned unit development, and zoning reclassifications. Conditional use permits shall also be considered new development if the proposed use would result in an increased amount of wastewater generated on the site. New development not requiring sewer and/or water service (e.g. cellular towers) is exempt from this section.

G. Applicability to Vested Projects. These regulations shall not apply to land use applications vested in accordance with state and local law.

H. Conflicts Between Provisions. This article shall apply as an overlay and in addition to other adopted plans, ordinances, and regulations affecting lands in the City. In the event of any conflict between this article and an adopted mitigation plan or impact fee ordinance, the provisions of the adopted mitigation plan or impact fee ordinance shall prevail. In the event of any conflict between this article and any other ordinances, and/or regulations, the provisions of this article shall prevail. In the event of any conflict between this article and any development agreement which has been executed under RCW 36.70B.170, prior to the adoption of the Development Code, the development agreement or provisions therein shall govern and prevail during the term of the agreement.

Article 10-4B — Types of Applications and Review Procedures

Sections:

10-4B-1 **Purpose**

10-4B-2 **Determination of Procedure Type**

10-4B-3 **Project Procedure Types**

10-4B-4 **Project Permit Review Process & Timeline**

10-4B-5 **Type IV Projects**

10-4B-6 **Neighborhood Meetings**

10-4B-1 Purpose

The purpose of this article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. The City utilizes a consolidated project permit process which provides for integrated processing of multiple discretionary permits issued by the City of Liberty Lake related to a specific project and environmental review on that project. Consolidated project review also provides for coordinated meetings and hearings associated with the project. Most project permits can be processed between a 60- and 120-day timeframe. Applicants that promptly prepare and supply required items will aid in expediting the overall process.

10-4B-2 Determination of Procedure Type

The Zoning Administrator or his or her designee shall determine the proper procedure type for all permit applications according to the set procedure types outlined in this article. Where no procedure type is specified for a particular project permit application, the Zoning Administrator or his or her designee shall determine the appropriate procedure type based upon the procedure used for similar permits. If there is a question as to the appropriate procedure type, the Zoning Administrator or his or her designee, shall resolve it in favor of the procedure type that provides the greatest opportunity for public notice and participation. The procedures for Administrative Interpretations are outlined in Article 10-4G and appeals of Notice of Violations are covered in Section 10-1D-8.

10-4B-3 Project Procedure Types

Land use and development permit applications shall be decided by using the procedures contained in this article. Building permits may need to be reviewed for compliance with design standards, zoning, etc., however the permit is issued pursuant to Title 9, Building Regulations.

Additionally, some projects may need to be reviewed for compliance with other Titles within the City Municipal Code. Specific procedures for certain types of permits are contained in Section 10-4B-4. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are five types of permit/decision-making procedures: Exempt, Type I, Type II, Type III, and Type IV. These procedure types and the projects associated with each procedure type are described in subsections A-E

below.

A. Exempt Projects. Exempt projects do not require project permit review processes because they are generally smaller scale permits or administrative actions by the City that are not required to go through public notice provisions, full agency review, or State Environmental Policy Act (SEPA) review. Decisions on Exempt Projects are made by the Zoning Administrator and depending on the type and complexity of the project, review time can vary, however, it is the City's goal to process projects as quickly as possible. The following projects are exempt from the full project permit review process:

1. Accessory Dwelling Units
2. Administrative Interpretations and Minor Modifications
3. Approach Permits
4. Class A Variance
5. Commercial, Industrial, Grading, & other building permits that may require a site plan review meeting and design review, but do not require SEPA or the required SEPA review has been conducted by another public agency.
6. Major modifications to existing Commercial, Industrial, Grading, & other building permits that may require a site plan review meeting and design review, but do not require SEPA or the required SEPA review has been conducted by another public agency.
7. Mechanical & Plumbing Permits
8. Boundary Line Adjustments
9. Home Occupation Permits
10. Public Assembly Permits
11. Right of Way Permits
12. Sign & Temporary Sign Permits
13. Temporary Use Permits
14. Street Vacations (Requires a final City Council approval)
15. Small Wireless Facilities Permit

B. Type I Projects. Type I project permits are generally administrative decisions that usually require SEPA with minimal notice requirements, and decisions are made by the Zoning Administrator or his or her designee, without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion. The following projects are classified as Type I projects:

1. Commercial, Industrial, Grading, & other building permits that require SEPA
2. Major modifications to existing Commercial, Industrial, Grading, & other building permits that require SEPA.
3. Manufactured Home Parks
4. Preliminary Binding Site Plans (BSP) or Change of Conditions to an existing BSP
5. Shoreline Substantial Development Permits, Shoreline Conditional Uses, and Shoreline Variances

6. Short Plats
7. Topsoil Removals

C. Type II Projects. Type II project permit decisions are Hearing Examiner decisions that require an 'open record' public hearing before the Hearing Examiner, full public notice, and they may or may not require SEPA. Appeals are reviewed by the Spokane County Superior Court. The following projects are classified as Type II projects:

1. Conditional Use Permits or major modifications to an existing permit
2. Revocation of a Shoreline Permit
3. Special Use Permits
4. Class B Variances
5. Preliminary Plats and major modifications (change of conditions) to existing plats
6. Property Rezones (individual properties)

D. Type III Projects. Type III project permit decisions are City Council decisions that require an 'open record' public hearing before the Hearing Examiner and approval by the City Council after an additional 'closed record' public hearing where the Council reviews the Hearing Examiner's recommendation and the public record. Type III projects may or may not require SEPA and project decisions generally use discretionary approval criteria. Appeals are reviewed by the Spokane County Superior Court. The following projects are classified as Type III projects:

1. Preliminary Planned Unit Developments (PUD) and major modifications to approved PUD's

E. Type IV Projects. Type IV procedures apply to legislative matters and Type IV projects are not project permits. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. The project permit 120-day process timeline shall not apply to Type IV projects and Type IV projects shall only be reviewed once a year. See Section 10-4B-5 for specific information governing Type IV projects. The following projects are classified as Type IV projects:

1. Comprehensive Plan Amendments
2. Comprehensive Plan Future Land Use Map Amendments
3. Development Regulations Amendments
4. Official Zoning Map Amendments (area-wide)

10-4B-4 Project Permit Review Process & Timeline

The following procedures outline a chronological process for local review of project permits with specifics for each project type being specified. Some review process steps may not apply to all project types, or some processes may be waived at the discretion of the Zoning Administrator and as allowed by state law. See Table 4-A on Page 21 for review process requirements. Although Type IV projects may utilize some of the process steps, they are not project permits. If applicable, as a part of the review process and

notice provisions for project permits, all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining- related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. The review process typically includes:

A. Pre-Application Conferences.

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

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

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

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

1. Application shall be made on forms provided by the City and shall include information requested on the application form which addresses the criteria with sufficient detail for review and action.
2. Required submittals for each project shall be supplied with the completed application, including a City of Liberty Lake SEPA Checklist, if applicable.
3. Fees shall be established by the City per the adopted City fee schedule.

C. Determination of Completeness (DOC).

The Determination of Completeness (DOC) is issued to permit applicants to advise them that the necessary paperwork has been submitted, including complete application packets and a SEPA checklist (if applicable) or what items need to be submitted to make the application packet complete. The “procedural submission requirements” of the City have been met so City departments and other public agencies can begin review of an application packet, or if all required application packet documents have not been included, what is still needed. Preliminary SEPA review, if applicable, is also conducted during this phase.

Within twenty-eight (28) calendar days after receiving a project permit application, unless the City is waiting for the applicant to provide additional documents or information, the Zoning Administrator shall mail or provide in person a written determination to the applicant, stating either:

1. That the application is complete; or
2. That the application is incomplete and what is necessary to make the application complete.
    a. Within fourteen (14) calendar days after the applicant has submitted the required additional information to the Zoning Administrator, the applicant shall be notified whether the application is complete or what additional information is still necessary to make the application complete.
    b. If the applicant fails to submit the required additional information to the Zoning Administrator within sixty (60) calendar days from the date the City requested the information, the application shall be considered expired, and the project shall be required to re-start the project permit process as defined above in Section 10-4B-4. One (1) extension may be granted by the Zoning Administrator provided that:
        i. There have been no changes to the applicable Code provisions since the application was originally submitted. If there have been changes to the applicable Code provisions and the application does not comply with those changes, then the extension shall not be granted; in this case, the project shall be required to re-start the project permit process;
        ii. The applicant demonstrates that failure to submit the required additional information was beyond the applicant's control (i.e. waiting for plan revisions from architects or engineers, etc.); and,
        iii. The applicant has requested the extension prior to the sixty (60) calendar day expiration date.
3. Additionally, to the extent known, the Zoning Administrator shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application and as applicable, the DOC may include:
    a. A preliminary determination of those development regulations that will be used for project mitigation;
    b. A preliminary determination of consistency, as provided under RCW 36.70B.040; or,
    c. Other information or required studies that the City chooses to include.
4. Issuance of a DOC shall not preclude the City from requesting additional information or studies either at the time of the determination of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
5. Changes or additions to the application after the issuance of a Determination of Completeness.

    Once an application is deemed complete:

    a. All documents and other evidence changed or added by the applicant shall be submitted to the Zoning Administrator or his or her designee at least fourteen (14) calendar days prior to the mailing of the Notice of Hearing, if possible. Documents or other evidence submitted after that date may be received by the Zoning Administrator or his or her designee, and transmitted to the Hearing Examiner, but

may be too late to include with the staff report and recommendation;

b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall submit to the applicant and the Hearing Examiner a written determination that a significant change in the application has occurred. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "4", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the request of the applicant:

   i. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day timeline on the existing application. If the applicant does not consent, the City shall not select this option; or

   ii. Reject the new documents or other evidence that has been determined to constitute a significant change and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence.

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

D. Notice of Application (NOA).

The City shall provide a Notice of Application (NOA) to the public, and the departments and agencies with jurisdiction that an application has been submitted and that the opportunity for comment is available within the defined fourteen (14) calendar day comment period. Notice occurs via mail, posting on the City website, publication in the official City newspaper, and on-site signage, as applicable. The NOA is completed within 14 days of the DOC and provides for a 14-day comment period. During this phase, preliminary State Environmental Policy Act (SEPA) threshold determination would also be covered (if applicable).

When the City is the lead agency for SEPA, the Optional Determination of Nonsignificance "Optional DNS" process may be used where the SEPA checklist is routed for comment with the NOA and the Zoning Administrator may make a preliminary SEPA threshold determination concurrently with the NOA. The NOA may also be combined with a scoping notice for a determination of significance (DS) or the Zoning Administrator may issue a determination of significance and scoping notice prior to the NOA. If the optional DNS process mentioned is not being used, a Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS) threshold determination must be issued after the NOA. For Type III and Type IV projects, if the SEPA threshold determination requires public notice, the City shall issue the threshold decision at least fifteen (15) calendar days prior to the open record pre-decision

hearing before the Hearing Examiner or Planning Commission, as applicable.

1. The Notice of Application shall contain the following, as applicable:
    a. The date of application, the date of the Determination of Completeness, and the date of the Notice of Application;
    b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under the DOC.
    c. The identification of other permits not included in the application to the extent known by the City;
    d. The identification of existing environmental documents that evaluate the proposed project and the location where the application and any studies can be reviewed;
    e. A statement of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of the Notice of Application, and statements of the right of any person to comment on the application, receive notice of, and participate in any hearings, request a copy of the decision once made, and any appeal rights.
    f. The date, time, place, and type of hearing, if applicable and scheduled at the date of the NOA;
    g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation, and of consistency as provided in RCW 36.70B.040; and,
    h. Any other information determined appropriate by the City.
2. Notice Requirements – Mailings.
    a. Type I Project Permits: The applicant shall prepare envelopes to notify property owners as follows:
        i. Property owners and taxpayers, if different than the property owners, whose property is adjacent to or within a one hundred fifty (150) foot radius of the perimeter of the subject site, whichever is greater, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the close of the comment period.
        ii. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then the adjacent notification radius shall be based on the total ownership, including the abutting, controlled property.
        iii. Property owners and taxpayers are those shown on the Spokane County Assessor’s/Treasurer's most current computer records obtained by the applicant from a title company no more than thirty (30) calendar days prior to the issuance of the Notice of Application.
        iv. The notification shall consist only of information approved and provided by the City, and envelopes shall be prepared by the applicant with the required postage but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by the City. Completed envelopes shall be given to the City at least eighteen (18) calendar days prior to the close of the comment period.

v. The City shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on the Assessor's/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Application shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the end of the comment period.

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

i. Property owners and/or taxpayers, if different than the property owners, whose property is within a four hundred (400)-foot radius of the perimeter of the subject site, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the close of the comment period.

ii. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then all property owners within four hundred (400) feet of the applicant's total ownership shall be notified.

iii. Property owners and/or taxpayers are those shown on the Spokane County Assessor's/Treasurer's most current computer records obtained by the applicant from a title company not more than thirty (30) calendar days prior to the issuance of the Notice of Application.

iv. The notification shall consist only of information approved and provided by the City, and envelopes shall be prepared by the applicant with the required postage but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by the City. Completed envelopes shall be given to the City at least eighteen (18) calendar days prior to the close of the comment period.

v. The City shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on the Assessor's/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Application shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the end of the comment period.

3. Notice Requirements - On-Site Signage.

Type I, Type II, and Type III Project Permits: A sign will need to be posted which is a minimum of two (2) feet in width by three (3) feet in height and six square feet in area. The sign shall be erected by the applicant on the site fronting and adjacent to the most heavily traveled public street, and positioned as close to the right-of-way as possible, so it is easily readable by the traveling vehicular public from the right-of-way at least fourteen (14)

calendar days prior to the close of the comment period. Depending on site size and location, more than one sign may be required and/or the City may require the sign size to be increased for visibility from I-90. Signage shall consist only of information approved and provided by the City and the signage shall be prepared and installed by the applicant. Signage shall be constructed of material of sufficient weight and reasonable strength to withstand normal weather conditions, and the applicant shall complete and submit to the City an affidavit of posting. The sign shall be lettered and spaced as follows:

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

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

c. All the following lines, in one (1)-inch tall letters, shall read:

"PROJECT FILE #"

"PROPOSAL"

"APPLICANT"

"ENVIRONMENTAL REVIEW"

"REVIEW AUTHORITY"

d. Project specific information will be supplied to the applicant by the City prior to sign preparation and a copy of the actual Notice of Application (NOA) shall be attached to the bottom face of the sign. Required text shall be at least 1/2-inch-tall letters. See example below.

NOTICE OF APPLICATION

PROJECT FILE #:

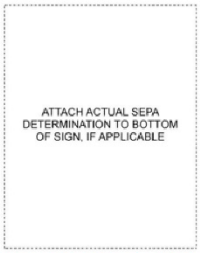
PROPOSAL:

APPLICANT:

ENVIRONMENTAL REVIEW:
THE CITY OF LIBERTY LAKE IS REVIEWING THE PROPOSED PROJECT FOR PROBABLE ADVERSE ENVIRONMENTAL IMPACTS AND EXPECTS TO ISSUE A MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) FOR THIS PROJECT. THE PUBLIC HAS THE OPPORTUNITY TO COMMENT ON THIS PROPOSAL AND THE ENVIRONMENTAL IMPACTS OF THE PROJECT WITHIN THE 14 DAY COMMENT PERIOD. PLEASE CONTACT THE REVIEW AUTHORITY LISTED BELOW TO VIEW THE PROJECT FILE.
COMMENT DEADLINE 4PM, MONTH/DAY/YEAR

REVIEW AUTHORITY: CITY OF LIBERTY LAKE
PLANNING ,ENGINEERING & BUILDING SERVICES





www.libertylakewa.gov/development/public_notices.asp

4. Notice Requirements – Publication:

   Type I, Type II, and Type III Project Permits: The City shall publish a Notice of Application in the official City newspaper and on the City website, at least one week prior to the end of the NOA comment period.

E. Technical Review.

Technical Review is a process where City staff and affected agencies review proposals for consistency and conformance with applicable regulations and to finalize proposed conditions of approval for the project in preparation for the project to proceed to a public hearing or administrative decision, as applicable. A Technical Review Meeting is optional for Type I projects and required for Type II and Type III projects, per the discretion of the Zoning Administrator. At the meeting, affected agencies and City staff present the applicant with comments on the project and the proposed conditions of approval prior to the public hearing or administrative decision, as applicable. This review process should occur within 14 days of the close of the comment period for the NOA. A final SEPA determination (if applicable) would also be made prior to or during the Technical Review period.

F. Notice of Hearing.

The City shall provide a Notice of Hearing to the public, and the departments and agencies with jurisdiction that proposals requiring a public hearing have been scheduled for an 'open record' hearing before the Hearing Examiner or in the case of Type IV projects, the initial hearing(s) would be before the Planning Commission and may be precluded by public workshops. At the

hearing(s), individuals and agencies can provide testimony. This notice occurs via the mail posting on the City website, publication in the official City newspaper, and on-site signage, as applicable. Additionally, the Zoning Administrator or his or her designee shall prepare a staff report for the Hearing Examiner or Planning Commission, as applicable, which summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision of approval; denial; or approval with specific conditions that ensure conformance with the approval criteria. Hearing bodies may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

1. The Notice of Hearing shall contain the following, as applicable:

    a. A statement that the notice has been provided to advise agencies, property owners, neighborhoods, and the public in general that a proposal requiring a public hearing has been scheduled for an "open record" hearing where individuals and agencies can provide testimony. **This hearing held before the Hearing Examiner will be the last opportunity to testify or submit written comments that will be added to the record about the project prior to a decision being rendered.**

    b. A statement that explains where and when the file may be viewed;

    c. Project and applicant information;

    d. Project hearing date, time, and location;

    e. SEPA determination, mitigation, etc.

    f. Review authority and project coordinator; and

    g. Any other information determined appropriate by the City.

2. Notice Requirements – Mailings:

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

    a. Property owners and/or taxpayers, if different than the property owners, whose property is within a four hundred (400)-foot radius of the perimeter of the subject site, including any access easement(s) serving said site, shall be notified by mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

    b. Property owners and/or taxpayers, if different than the property owners, whose property abuts the subject site, shall be notified by certified mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

    c. In those instances where any portion of the property abutting the subject site is owned, controlled, or under option by the applicant or his representative, then all property owners within four hundred (400) feet of the applicant's total ownership shall be notified by mail at least fourteen (14) calendar days prior to the hearing before the Hearing Examiner.

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

e. The notification shall consist only of information approved and provided by the City and envelopes shall be prepared by the applicant with the required postage, but not sealed. The applicant shall also prepare envelopes for agencies with jurisdiction, as directed by the City. Completed envelopes shall be given to the City at least eighteen (18) calendar days prior to the scheduled hearing or the hearing will be re-scheduled.

f. The City shall check the envelopes, mail them, and complete an affidavit confirming that these provisions have been fulfilled. The notice shall be deemed mailed when deposited in the United States mail, postage prepaid, and properly addressed. Notice shall be deemed adequate when each property owner and taxpayer having a complete mailing address shown on Assessor's/Treasurer's most current computer records is mailed a notice. The failure of any person to actually receive a mailed notice shall not invalidate any project permit decision. The Notice of Hearing shall be mailed through regular U.S. mail or personally served at least fourteen (14) calendar days prior to the hearing.

3. Notice Requirements - On-Site Signage:

Type II and Type III Project Permits: A sign will need to be posted which is a minimum of two (2) feet in width by three (3) feet in height and six square feet in area. The sign shall be erected by the applicant on the site fronting and adjacent to the most heavily traveled public street, and positioned as close to the right-of-way as possible, so it is easily readable by the traveling vehicular public from the right-of-way. The sign shall be posted at least fourteen (14) calendar days prior to the hearing. Depending on site size and location, more than one sign may be required and/or the City may require the sign size to be increased for visibility from I-90. Signage shall consist only of information approved and provided by the City and the signage shall be prepared and installed by the applicant. Signage shall be constructed of material of sufficient weight and reasonable strength to withstand normal weather conditions and the applicant shall complete and submit to the City an affidavit of posting. The sign shall be lettered and spaced as follows:

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

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

c. All the following lines, in one (1)-inch tall letters, shall read (as applicable):

"PROJECT FILE #"

"PROPOSAL" “APPLICANT”

"DESCRIPTION / NUMBER OF ACRES / NUMBER OF LOTS" "EXISTING / PROPOSED ZONING"

"SEPA DETERMINATION" "REVIEW AUTHORITY"

"HEARING DATE & TIME, HEARING LOCATION"

d. Project specific information will be supplied to the applicant by the City prior to sign preparation. A copy of the proposed plat map, PUD plat map, etc., the SEPA threshold determination, and the actual Notice of Hearing shall be attached to the

bottom face of the sign (as applicable). Required text shall be at least 1/2-inch-tall letters. See example below.



The sign(s) shall be removed immediately after the expiration of the appeal time frame for the decision of the Hearing Examiner or the City Council, as applicable, unless the decision is appealed.

4. Notice Requirements – Publication:

    a. Type II and Type III Project Permits: The City shall publish a Notice of Hearing in the official City newspaper and on the City website, at least ten (10) calendar days prior to the hearing stating the date, time, place, and purpose of the hearing.

    b. Type IV Projects: The only public notice required prior to public hearings on Type IV projects shall be notice by publication, unless a rezone is involved, in which the notice procedures for Type III projects would apply and include mailings and on-site signage. The City shall publish a Notice of Hearing in the official City newspaper and on the City website, at least ten (10) calendar days prior to the hearing stating the date, time, place, and purpose of the hearing.

5. Administrative Appeal:

    a. Type II Project Permits: A motion for reconsideration by the Hearing Examiner may be filed with an appeal request to the City within fourteen (14) calendar days from the date of the Hearing Examiner's decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the appeal hearing. An appeal of the final decision of the Hearing Examiner can be made to Spokane County Superior Court as outlined under Judicial Appeal in §10-

4B-4(H). Appeals of the Hearing Examiner's Decision must be filed as a land use petition with the Superior Court within twenty-one (21) calendar days of the date the written decision is signed.

b. Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.

6. City Council Public Hearing:

   a. For Type III project permits, the Hearing Examiner's decision is a recommendation to the City Council. The City Council will conduct an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision.

      i. For Type IV projects, the City Council will conduct additional 'open record' public hearing(s) at a regularly scheduled City Council meeting to render the final decision on Type IV projects.

      ii. Additionally, the City shall require the applicant to prepare envelopes to notify members of the public and agencies who attended or spoke at the hearing before the Hearing Examiner, or submitted written comments, of the upcoming hearing before the City Council.

   b. For Type IV projects, the City Council will conduct additional 'open record' public hearing(s) at a regularly scheduled City Council meeting to render the final decision on Type IV projects.

G. Notice of Decision.

1. Type I projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Zoning Administrator after reviewing the staff recommendation on the project. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. For some Type I project permit applications, a copy of the permit may constitute the decision. Additionally, the notice shall be published in the official City newspaper and on the City website.

2. Type II projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by the Hearing Examiner following the 'open record' public hearing. The written decision contains findings and conclusions that evidence and support the decision. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. Additionally, notice shall be published in the official City newspaper and on the City website.

3. Type III projects: The Notice of Decision to approve, conditionally approve, or deny the application is issued by City staff and approved by the Mayor following the final public hearing before the City Council that considered the Hearing Examiner's recommendation. The written decision contains findings and conclusions that evidence and support the decision. Additionally, the notice contains a statement of any threshold determination and

the procedures for appeal. The notice shall be provided to the applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. Additionally, the notice shall be published in the official City newspaper and on the City website.

4. The Notice of Decision shall contain the following, as applicable:
    a. Project and applicant information;
    b. Application date, hearing date, and date of decision
    c. A statement that the project is either Approved, Approved with Conditions (list the conditions), or Disapproved (list the reason).
    d. A statement that " The City Council's decision on this project and the SEPA determination made under chapter RCW 43.21C are final and conclusive unless within twenty-one (21) calendar days from the issuance of the decision, a party with standing files a land use petition in superior court pursuant to chapter 36.70C RCW. Pursuant to chapter 36.70C RCW, the date of issuance of the Council's decision is three (3) calendar days after it is mailed. This decision was mailed by Certified Mail to the Applicant, and by first class mail to other parties of record, on _____. The date of issuance of the City Council's decision is therefore_____, counting to the next business day when the last day for mailing falls on a weekend or holiday. **THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS_____**."
    e. A statement that "This notice of decision has been provided to the project applicant, reviewing agencies and members of the public that submitted project comments, and the Spokane County Assessor's Office. A copy of the SEPA determination was also provided to the Dept. of Ecology - Olympia, Dept. of Transportation - Spokane County, Other Reviewing Agencies, and the project applicant."
    f. A statement that "The complete record in this matter, including this decision, is on file during the appeal period with the review authority."
    g. A statement that "Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."
    h. Any other information determined appropriate by the City.
5. Notice Requirements – Mailings

    Type II and Type III Project Permits: Parties shall receive notification as follows:
    a. The applicant shall receive the notice by certified mail.
    b. Parties of record, the Spokane County Assessor, and those that requested notice of the decision shall receive notification by regular mail.
6. Notice Requirements - Publication
    a. Type I, Type II, and Type III Project Permits: The City shall publish a Notice of Decision on the City website and in the official City newspaper.
    b. Type IV Projects: The only public notice required for decisions on Type IV projects shall be notice by publication, unless a rezone is involved, in which the notice

procedures for Type III projects would apply and include mailings. The City shall publish a notice in the official City newspaper and on the City website. Additionally, the City shall transmit a complete and accurate copy of the adopted initial comprehensive plan or development regulations, or adopted amendments to the state as outlined in WAC 365-197-620 and RCW 36.70A.106 within 10 days after the final adoption.

H. Appeal Procedures.

1. Administrative Appeal.

Interested parties with standing, as defined in RCW 36.70C, have the opportunity to appeal a decision on a project permit or an administrative decision. The decision may be appealed within fourteen (14) calendar days from the date the decision is rendered by delivering a notice of appeal to the Zoning Administrator by mail or personal delivery. The notice of appeal must be received by 4:00 p.m. on the last day of the appeal period, unless the last day of the appeal period falls on a weekend or holiday, the notice of appeal shall then be due on the following business day. Appeal requests shall contain all information required in this section. Any notice of appeal not in full compliance with this section shall not be considered.

a. Type I Project Permits / Administrative Decisions: An 'open record' appeal to the Hearing Examiner is available on many Type I project permits / Administrative Decisions. The appeal procedure shall be as outlined in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the Zoning Administrator.

b. Type II Project Permits:

i. A motion for reconsideration by the Hearing Examiner may be filed with an appeal request to the City within fourteen (14) calendar days from the date of the Hearing Examiner's decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the appeal hearing.

ii. An appeal of the final decision of the Hearing Examiner can be made to Spokane County Superior Court as outlined in Judicial Appeal below.

c. Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional 'closed record' public hearing at a regularly scheduled City Council meeting to render the final decision.

i. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.

ii. An appeal of the final decision of the City Council can be made to Spokane County Superior Court as outlined in Judicial Appeal below.

d. The Notice of Appeal shall contain the following in concise statements:

i. The decision being appealed;

ii. The name and address of the appellant and his/her interest(s) in the matter;

iii. The specific reasons why the appellant believes the decision to be wrong.

The appellant shall bear the burden of proving the decision was wrong;

iv. The desired outcome or changes to the decision; and

v. The appeal fee shall also be submitted with the notice.

aa. Requests for reconsideration shall contain all information required in this subsection. Any notice of appeal not in full compliance with this subsection shall not be considered.

2. 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.

a. 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.

b. 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.

3. Appeals of Type IV projects:

a. Appeals of Zoning Text or Map Amendments. The action of the City Council on a zoning text or map amendment shall be final and conclusive, unless within thirty (30) calendar days from the date of the action the applicant or person having standing, as defined in RCW 36.70C, makes application to a court of competent jurisdiction for a writ of certiorari.

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

Table 4-A, Review Process Requirements	Exempt Projects	Type I	Type II	Type III	Type IV
Pre-Application Conference	X[1]	X	X	X	X
Submittal of Application Packet and SEPA Checklist (as applicable)	X	X	X	X	X
Determination of Completeness (DOC)		X	X	X	
Notice of Application (NOA)		X	X	X	
Technical Review		X	X	X	
Notice of Hearing					
Planning Commission Public Hearing					X
Hearing Examiner Public Hearing			X	X	
City Council Public Hearing				X	X
Notice of Decision		X	X	X	

Appeals					
Hearing Examiner Administrative Appeal		X			
City Council Administrative Appeal					
Judicial / Growth Management Hearings Board Appeal		X	X	X	X

X = required for permit type

X[1] = projects may be required to go through a site plan review meeting and design review or City consultation prior to application approval and permit issuance

4. Time Computation.

   In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

10-4B-5 Type IV Projects

Planning is an ongoing process, and improved data or changing circumstances will require amendment to the comprehensive plan or development regulations. Amendments to the comprehensive plan or development regulations can be requested by the City Council, Planning Commission, City Staff, or by any affected citizen on a yearly basis. Yearly review of proposed amendments shall begin in April and should conclude in December. Applications for amendments shall be submitted by April 1st of each year in order for the amendment to be reviewed that year. Applications for amendments submitted after April 1st shall be reviewed the following year. Identified deficiencies shall be docketed for possible future plan or development regulation amendments during the project review process.

A. Criteria for Amendment:

The City may amend development regulations when it finds that any of the following applies:

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

B. Amendment to the Comprehensive Plan or Development Code Text:

1. An amendment to the text of this Code may be initiated in one of the following ways:
   a. By the City Council,
   b. By the Planning Commission,

c. By the City staff, or

d. By any interested person. In the case of an amendment initiated by an interested person, the City shall collect from such person a fee as set forth in the adopted City Fee Schedule which may cover normal processing and legal notice cost.

Such an amendment to the code text may be adopted, modified, or denied by ordinance of the City Council in accordance with the procedures specified in this section.

2. Procedures

a. Text amendment proposals shall follow the procedures outlined in Section 10-4B-4 above, as applicable, which includes a pre-application conference with the applicant. Upon finding that the required fee has been paid and that the application is complete, the City shall place an introduction to the request for the text amendment on the earliest available regular meeting agenda of the Planning Commission and submit a copy of the proposed amendment to the Planning Commission. The Planning Commission shall review the proposed amendment and hold at least one public workshop and one public hearing to solicit comments. After further review a formal recommendation will be made to the City Council for approval or denial. The Zoning Administrator shall subsequently submit to the City Council a copy of the proposed amendment, along with the recommendations of the Planning Commission in writing. The City Council will hold an additional public workshop and an additional public hearing, to approve, approve with modifications, or deny the Planning Commission's recommendation on the proposed amendment(s). If approved, the amendment becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper. Additionally, the proposed amendments may be required to have a SEPA review, pursuant to Development Code Article 10-6A the City's Environmental Ordinance, and all Type IV projects must go through a 60-day state review process as required under WAC 365-195-620. This 60-day review process generally occurs after the Planning Commission's recommendation.

b. Notice.

Notice of the date, time, place, and purpose of the hearing is placed in the official City newspaper and on the City website at least ten (10) calendar days prior to the hearing(s) as outlined in Section 10-4B-4 above.

C. Amendment to the Comprehensive Plan Land Use Map and Zoning Map

1. An amendment to the zoning map, which constitutes a reclassification of property, may be initiated in one of the following ways:

a. By the City Council; or

b. By the Planning Commission; or

c. By the City staff; or

d. By the owner(s) of any such property(ies), provided that the City shall collect from such person a fee as set forth in the adopted City Fee Schedule which may cover normal processing and legal notice cost; or

e. By the City Council or Planning Commission, pursuant to a petition filed by property owners of an area for an area-wide rezone and meeting the following requirements:

i. That the petition represents a request to conduct an area-wide/ block re-

zone.

ii. A petition is submitted, signed by fifty-one percent (51%) of the number of property owners within the area that is sought to be reclassified.

iii. In those instances where the petition filed by property owners of the area does not meet the provisions set forth above, any property owner(s) signing such petition may appear before the Planning Commission and request in writing that the Planning Commission initiate action to change the zoning map as set forth within the petition.

Such an amendment to the zoning map may be adopted, modified, or denied by ordinance of the City Council in accordance with the procedures specified in this section.

2. Procedures.

Comprehensive Plan Land Use Map Amendments and district or City-wide Zoning Map Amendments are Type IV Projects which are processed concurrently and follow the procedures outlined for text amendments in B above. Property rezones for individual properties are Type II Project Permits (see Section 10-4B-4 above). The Comprehensive Plan Land Use Map and the Zoning Map must be consistent and applications for property rezones must also include a Comprehensive Plan Land Use Map amendment request. Upon finding that the required fee has been paid and that the application is complete, the Zoning Administrator shall issue a Determination of Completeness (DOC), followed by a Notice of Application (NOA). The application shall be forwarded to the Planning Commission for review and following the Planning Commission's review and recommendation on the map amendments, the SEPA review, and the 60-day state review, a public hearing shall be scheduled before the Hearing Examiner for the property rezone. The Zoning Administrator will prepare a report and recommendation on the request which will be forwarded to the Hearing Examiner who will hold a public hearing on the requested amendment. The Hearing Examiner shall make available to all parties of record the recommendation decision, along with findings of fact and a statement setting forth the factors considered at the hearing, and analysis of facts considered by the Hearing Examiner. The Zoning Administrator will forward the Hearing Examiner's recommendation to the City Council, and upon receipt of the recommendation the City Council shall, at its next available regular meeting, set the date for a public hearing. The public hearing for the property rezone must occur after the public hearing for the Comprehensive Plan Land Use Map amendment request. At the property rezone hearing, the Council shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and the property rezones consistency with the Comprehensive Plan Land Use Map, as well as its own analysis of findings considered by the Council. The Council, after the public hearing, may adopt the property rezone, make minor changes, or deny it. If approved, the property rezone becomes effective five (5) days after the publication of the adopting ordinance in the official City newspaper and a Notice of Decision shall be provided for the property rezone.

3. Notice.

Notice shall be as outlined in Section 10-4B-4 above for Type III project permits. Additionally, at least seven (7) smaller notice signs measuring at least eleven (11) inches by seventeen (17) inches shall be posted throughout the rezone area for area-wide/ block rezones at least fourteen (14) calendar days prior to the public hearing.

10-4B-6 Neighborhood Meetings

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their project permit application in order to solicit input and exchange information about the proposed development.

Article 10-4C — Preliminary Design, Site Plan, and Building Plan Review and Approval

Sections:

10-4C-1 **Purpose**

10-4C-2 **Preliminary Design Review**

10-4C-3 **Site Plan Review and Approval**

10-4C-4 **Building Plan Submission and Review Requirements**

10-4C-5 **Bonding and Assurances**

10-4C-6 **Development in Accordance with Permit Approval**

10-4C-1 Purpose

The purpose of this Chapter is to:

A. Provide rules, regulations, and standards for efficient and effective administration of preliminary design review, where applicable, and site plan review and approval required for building permit issuance.

B. Carry out the development pattern and plan of the City and its comprehensive plan policies;

C. Ensure that site design is consistent with code, standards, and policies established to protect public health, safety, and general welfare;

D. Lessen or avoid impacts to community infrastructure; and

E. Encourage the conservation of energy resources, efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

F. Provide design guidance to the applicant in accordance with City code and standards before full construction documents are completed.

10-4C-2 Preliminary Design Review

A. Applicability. The Design Review Subcommittee of the Planning Commission shall conduct a preliminary design review and make design recommendations for the types of construction or development listed below, in accordance with the design standards and established by City Code, and the design review criteria detailed in paragraph 10-4C-2(C) of this section.

1. Developments within designated mixed-use areas;
2. Planned unit developments and large-scale residential developments;
3. Public and semi-public institutional buildings over 5,000 sq. ft.;

4. Aesthetic corridors and boulevards, and adjacent development;
5. Commercial and industrial developments;
6. Developments adjacent to natural areas, critical areas, or shorelines; and
7. All non-residential buildings that are visible from a public street.

Preliminary Design Review is recommended to be completed during design development so that recommendations can be incorporated into the final site plans and construction documents prior to permit submittal and review.

B. Preliminary Design Review Submission Requirements:

Prior to issuance of permits or approvals, preliminary design review shall be conducted for the projects listed in Section 10-4C-2(A) above. The following information, as applicable, is generally required for preliminary design review application submittal:

1. General Submission Requirements. The applicant shall submit an application containing all of the general information detailed on the City's application for Preliminary Design Review with required attachments as detailed on the submittal checklist contained therein.
2. Preliminary Design Review Information. An application for preliminary design review shall include the following information, as deemed applicable by the City:
    a. Preliminary Site Plan: At a minimum, the preliminary site plan shall include the following information, as applicable:
        i. Name, phone number and e-mail address of project designer, contact person, engineer,surveyor, and/or planner, as applicable.
        ii. The proposed development site, including boundaries, dimensions, and gross area;
        iii. Existing features of the site, if any, which are proposed to remain on the site.
        iv. Existing features of the site, if any, which are proposed to be removed or modified by the development;
        v. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
        vi. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
        vii. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
        viii. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls, ADA stalls and wheel stops, as applicable);
        ix. Parking stall counts and calculations per Article 10-3D-3.
        x. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails per Article 10-3B-3;
        xi. Loading and service areas for waste disposal, loading, and delivery;

xii. Detail of refuse enclosure, including gate.

xiii. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;

xiv. Location, type, and height of outdoor lighting;

xv. Location of mailboxes, if known;

xvi. Location of bicycle parking with number of spaces indicated;

xvii. Location of bus stops and other public or private transportation facilities;

xviii. Locations, sizes, and types of proposed signs; and,

xix. North arrow and scale.

b. Architectural drawings. Architectural drawings shall include the following information:

i. Name, phone number, and e-mail address of architect, project designer, contact person, as applicable;

ii. Building elevations with design detail including windows, window awnings, entries, projections, pedestrian entrance canopies, change in materials or similar features, building height and width dimensions;

iii. Building materials, color, and type;

iv. Total building footprint square footage and percentage of parcel or lot covered by buildings and other structures; and,

v. Scale and dimensions.

c. Preliminary Landscape Plan. The preliminary landscape plan shall include the following information:

i. Name, phone number, and e-mail address of project designer, contact person, engineer, landscape architect, and/or planner, as applicable;

ii. The location and height of existing and proposed fences and other buffering or screening materials;

iii. Dimensional width of all perimeter landscape buffers per Article 10-3C-3(F);

iv. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

v. The location, size, and species of the existing-to-remain and proposed plant materials (at time of planting);

vi. Existing and proposed building, pavement outlines and landscape protective curbing;

vii. Calculation stating the percentage of landscape area per Article 10-3C-3(D);

viii. North arrow and scale; and,

ix. Other information as deemed appropriate by City. An arborist's report may be required for sites with significant vegetation that is protected under Article 10-3C of this Code. Per the discretion of the City, some projects may

combine site and landscape plans.

d. Letter or narrative report documenting compliance with the applicable design standards, and the approval criteria contained in Section 10-4C-2(C) below.

Per the discretion of the City, some projects may not require all of the submissions detailed above at the time of Preliminary Design Review.

C. Preliminary Design Review Criteria:

Upon preliminary design review, the Design Review Subcommittee of the Planning Commission shall make written design recommendations based upon the following criteria:

1. The proposed land use is permitted by the underlying zoning district and conforms with any special standards as may be associated with such a use in the underlying zone, as detailed in Chapter 2 of this title.
2. The proposed development is generally consistent with adopted Comprehensive plan goals and policies and complies with applicable design provisions of the underlying zoning district, which are intended to protect the City's scenic views, provide community cohesion, and enhance the community image of Liberty Lake.
3. The proposed development is in conformance with specific design standards detailed in Chapters 2 and 3 of this title, including:
    a. building and yard setbacks;
    b. lot area and dimensions;
    c. residential density;
    d. lot coverage;
    e. building height;
    f. building orientation;
    g. architectural design standards; and,
    h. other development standards, as detailed in Chapters 3 of this title, have been met.
4. Exceptions to paragraph 3, above, shall be permitted when approved as a Variance in accordance with the procedures and standards detailed in Article 10- 5B.
5. The preliminary site plan and building design brings into conformance any existing development that does not comply with the applicable zoning district standards, when so required in accordance with the provisions of Article 10-5C, Non- Conforming Uses and Development.
6. The design review shall lapse, and a new application shall be required if an application for the building permit has not been submitted within 6 months of issuance of the preliminary design review recommendation, unless an extension has been approved, as provided for in Section 10-4C-6(C).

10-4C-3 Site Plan Review and Approval

A. Applicability. Site plan review and approval in accordance with the provisions of this section shall be required for all new construction or developments and modifications of existing construction or

developments listed below, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt, unless the structure or site is non-conforming and the repair or replacement of materials causes a loss of non-conforming status (see Article 10-5C).

1. Governmental, public, and semi-public institutional buildings;
2. Commercial and industrial buildings;
3. Attached dwellings (single & multi-family) that:
    a. Exceed 100' in length along the primary street frontage, or;
    b. encompass three or more attached units;
4. More than 2 detached dwellings or two-family residential units located on a single lot or parcel;
5. Manufactured home parks;
6. Modifications to development approvals as defined by Article 10-4F;
7. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Article 10-4H - Conditional Use Permits;
8. Other developments, including single-family detached dwellings, manufactured homes, and two-family duplexes, when required by a condition of approval or within this Code.

Prior to issuance of permits or approvals, site plan review shall be conducted by City staff. Decisions are based on clear and objective criteria in order to ensure compliance with the basic development standards of the zoning district (e.g., building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3 of this title. It is further informed by the recommendations provided by the Design Review Subcommittee of the Planning Commission in their preliminary design review, where applicable, and as based upon the design review criteria detailed in Article 10-4C-2, paragraph C.

B. Site Plan Review Application Submission Requirements. The applicant shall submit an application form containing all of the general information detailed on the City's application for Site Plan Review with required attachments as detailed on the submittal checklist contained therein. The following information must be included in the submittal for the Site Plan Review application to be considered complete:

1. Site Plan Review Information. An application for site plan review shall include the following information, as deemed applicable by the City:
    a. Site analysis map (existing conditions). The existing site analysis map shall include the following information, as applicable:
        i. Name and address of project designer, contact person, engineer, surveyor, and/or planner, as applicable
        ii. Professional engineer's stamp, signed and dated.
        iii. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area

shall be identified;

iv. Existing topographic contours shown at 2-foot intervals, except that contours for slopes in excess of 6% may be shown at a five (5) foot interval; all slopes greater than 10% shall be identified.

v. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjacent to the site;

vi. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

vii. Known resource areas, including marsh and wetland areas, streams, wildlife habitat as may be mapped or otherwise identified by the City or any natural resource regulatory agencies as requiring protection;

viii. Site features, including existing structures, pavement, rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;

ix. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

x. The general location, size, and species of any existing trees and other vegetation that are intended to be protected and incorporated into the new landscape plantings;

xi. The general location, size, and species of all existing trees and shrubs meeting the threshold of “significant vegetation as detailed in Section 10-3C-2B of this title; and, noting which of those trees and shrubs which are proposed to be protected and incorporated into the new landscape plantings;

xii. Location of any existing fire hydrants, connections, or valves;

xiii. North arrow and scale;

xiv. Names and addresses of all persons listed as owners on the most recently recorded deed; and,

xv. Other information, as determined by the City. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

b. Proposed site plan. The proposed site plan shall include the following information, as applicable:

i. Name, phone number and e-mail address of project designer, contact person, engineer,surveyor, and/or planner, as applicable.

ii. Professional Engineer (or Registered Architect) stamp, signed and dated;

iii. The proposed development site, including boundaries, dimensions, and gross area;

iv. Approximated traffic counts to adjacent roadways during peak hours;

v. Features identified on the existing site analysis map which are proposed to remain on the site;

vi. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

vii. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

viii. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

ix. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

x. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);

xi. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

xii. Loading and service areas for waste disposal, loading, and delivery;

xiii. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;

xiv. Location, type, and height of outdoor lighting;

xv. Location of mailboxes, if known;

xvi. Location of bicycle parking with number of spaces indicated;

xvii. Location of bus stops and other public or private transportation facilities;

xviii. Locations, sizes, and types of proposed signs;

xix. Location of all proposed fire hydrants, the Fire Department connection, and Post Indicator Valve;

xx. North arrow and scale; and,

xxi. Other information determined by the City. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

c. Landscape plan. A proposed landscape plan shall provide the following information, as applicable:

i. Name, phone number and e-mail address of project designer, contact person, landscape architect, surveyor, and/or planner, as applicable;

ii. Professional Landscape Architects Stamp, signed and dated;

iii. The location and height of existing and proposed fences and other buffering or screening materials;

iv. Dimensional width of all perimeter landscape buffers per Article 10-3C-3(F);

v. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

vi. The location, size, and species of the existing trees and shrubs to remain, and proposed new plant materials (at time of planting);

vii. Existing and proposed building, pavement outlines and landscape protective curbing;

viii. Irrigation system (if plantings are not drought-tolerant, may be automatic or other approved method of irrigation);

ix. Calculation stating the percentage of landscape area per Article 10-3C-3(D);

x. North arrow and scale; and,

xi. Other information as deemed appropriate by City. An arborist's report may be required for sites with significant vegetation that is protected under Article 10-3C of this Code. Per the discretion of the City, some projects may combine site and landscape plans.

d. Architectural drawings. The proposed architectural drawings shall be submitted showing:

i. Name and address of architect, project designer, contact person, engineer, surveyor, and/or planner, as applicable.

ii. Registered Architects Stamp, signed and dated;

iii. Building elevations with design detail including windows, window awnings, entries, projections, pedestrian entrance canopies, change in materials or similar features, building height and width dimensions;

iv. Building materials, color, and type;

v. Total building footprint square footage and percentage of parcel or lot covered by buildings and other structures;

vi. Scale and dimensions; and,

vii. Revisions, as recommended in preliminary design review for the project; and,

e. Grading plan. A proposed grading plan shall be required for developments which would result in the grading (cut or fill) of 500 cubic yards or greater. The proposed grading plan shall include a Professional Engineers stamp, signed and dated and the name, phone and email address of the project designer, contact, and engineer, as applicable. The grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

f. Stormwater management, erosion, and sediment control plans. Plans detailing surface water detention and treatment, stormwater conveyance and disposal, and erosion and sediment control for projects which could potentially cause significant runoff, erosion, or water quantity/quality impacts, shall be prepared, stamped and signed by a Professional Engineer in accordance with the requirements of Article10-3H of this title, the City of Liberty Lake Engineering Design Standards, and the Spokane Regional Stormwater Manual, and shall include the name, phone number, e-mail for the Engineer of Record;

g. Public facility and utility plans. Civil plans shall be prepared, signed, and stamped

by a licensed civil engineer, shall contain the contact information of the engineer of record, and shall detail existing and proposed site utilities and all public facility improvements as may be required in accordance with the standards detailed in Article 10-3G of this title, and the City of Liberty Lake Engineering Design Standards.

h. Sign drawings, if applicable, shall be provided in conformance with the City's Sign Code Article 10- 3E.

i. Site lighting plan in conformance with Section 10-3F-2.

j. Copies of all existing and proposed restrictions or covenants.

k. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10-4C-below.

C. The Zoning Administrator shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The proposed land use is permitted by the underlying zoning district (Chapter 2);
2. All applicable building and fire code standards are met;
3. The development is in conformance with applicable ADA requirements.
4. Civil plans are in substantial conformance with City of Liberty Lake Engineering Design Standards, or a design deviation has been granted.
5. Stormwater and erosion control measures proposed are consistent with Best Management Practices.
6. The applicant shall upgrade any existing development that does not comply with the applicable zoning district standards, when so required in accordance with the provisions of Article 10-5C - Non- Conforming Uses and Development;
7. Conditions required as part of a Land Division (Article 10-4D), Conditional Use Permit (Article 10-4H), Specific Area Plan Overlay (Article 10-2M), or other approval shall be met, unless a modification to conditions of approval has been sought and approved, in accordance with the provisions of Article 10-4F.
8. The application is complete, as determined in accordance with Title 9, Building Regulations, Article 10-4B, and Section 10-4C-3(B) above, and other applicable Titles within the City Municipal Code.
9. The approval shall lapse, and a new application shall be required if an application for permit has not been issued within 6 months of site plan approval, unless an extension has been approved as provided for in Section 10-4C-6(C).
10. Traffic generated by the development can be managed by existing infrastructure or mitigated through impact fees or improvements required at the time of development.
11. Utility providers have verified the availability of services necessary to support the proposed development.

10-4C-4 Building Plan Submission & Review Requirements

A. Submittal Requirements.

1. Commercial, Industrial, Multi-family, Public and Semi-Public Institutional Building Plan Submittal Requirements. Building permit packets shall include electronic copies of the following:
    a. Applications for Building, Grading, Site Improvements, Mechanical, Plumbing, Signage and Right-of-Way Permits, as applicable;
    b. Specification Books with architect's and/or engineer's stamps, as applicable;
    c. Drainage report with engineer's stamp;
    d. Hazardous material lists;
    e. NREC worksheets;
    f. Site Analysis Narrative:
        i. Proposed land use permitted by underlying zoning district;
        ii. Compliance with Development Code provisions; and,
        iii. IBC and IFC compliance.
    g. Full Plan Set (stamped, signed, and dated):
        i. Code compliance narrative;
        ii. Site parking plan;
        iii. Utility plan;
        iv. Grading / drainage plan;
        v. Erosion & sedimentation control plan;
        vi. Landscape plan;
        vii. Architectural plans;
        viii. Structural plans;
        ix. Mechanical plans;
        x. Plumbing plans;
        xi. Electrical plans;
        xii. Exterior lighting plan;
        xiii. Building fire suppression plans; and,
        xiv. Equipment fire suppression plans, as applicable.
    h. Special Inspection Form, as applicable;
    i. Agreement to Pay Fees Form; and,

j. SEPA Checklist and Fee, as applicable.

2. Residential Building Plan Submittal Requirements: Building permit packets for residential permits shall include electronic copies of the following:
    a. Applications for Building, Mechanical, and Plumbing Permits, as applicable;
    b. Residential energy code compliance worksheets;
    c. For point load footings, prescriptive footing calculator worksheets, or engineered/stamped foundation plans;
    d. Type of radon mitigation system proposed;
    e. Truss drawings;
    f. Floor joist layout and accompanying beam calculations, as applicable;
    g. Full Plan Set:
        i. Site Plan, to include:
            aa. Building footprints;
            bb. Location of driveway;
            cc. Setback requirements dimensioned;
            dd. Existing and proposed final site contours, in 2-foot intervals; and,
            ee. Location, height, and general design of any proposed retaining walls.
        ii. Construction drawings, with code compliance references, as applicable.
3. Remodel Projects: Building permit packets shall include pdfs of the following:
    a. Applications for Building, Mechanical and Plumbing Permits, as applicable; and,
    b. Full Plan Set (may require Professional stamp as determined by the Building Official).

B. Building Permit Review. Building plans will be reviewed and processed in accordance with the provisions of adopted building codes, as referenced in City Code Title 9-1, Building Codes.

C. Water and sewer permit applications shall be submitted directly to the applicable water and sewer purveyor. Water and sewer permits must be issued by the purveyor prior to building permit issuance.

10-4C-5 Bonding and Assurances

A. Performance Bonds. On all projects where project related improvements are required, the City shall require a bond in an amount not greater than 150% of the private cost as a condition of development approval in order to guarantee the improvements. The applicant will be required to

provide an independent estimate of improvement costs. Issuance of a temporary certificate of occupancy for fee simple residential units will not require a bond or assurance. Payment of a re-inspection and conversion fee will be required.

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

C. Release of Performance Bonds. The bond or assurance shall be released when the City finds the completed project conforms to the site development approval, including all conditions of approval.

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

E. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security is provided equal to 150% of the private cost of the cost of the landscaping. Applicant will be required to provide an independent estimate of improvement costs. If the installation of the landscaping is not completed within a six-month period, the security may be used by the City to complete the installation.

10-4C-6 Development in Accordance with Permit Approval

Development shall not commence until the applicant has received all of the appropriate land use and development approvals and building permits. Construction of public improvements shall not commence until the City has approved all required site improvement plans (e.g., utilities, streets, land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site improvements), and may require bonding or other assurances for improvements, in accordance with Section 10-4C-5. Site design review approvals shall be subject to all of the following standards and limitations:

A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Article 10-4F, shall be processed as an exempt project procedure. Major modifications, as defined in Article 10-4F, shall be processed as a Type III procedure. For information on procedure types, please refer to Article 10-4B above. For Modifications approval criteria, please refer to Article 10-4F.

B. Approval Period. Preliminary design review and site plan approvals shall be effective for a period of six (6) months from the date of approval. If a building permit for the project has not been submitted within 6 months of the preliminary design approval, or a building permit has not been issued within 6 months of site plan approval those approvals shall lapse, and a new submission shall be required unless an extension has been granted in accordance with the provisions of paragraph C, below.

C. Extension. The City shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan;
2. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
3. The applicant demonstrates that failure to submit a building permit application within 6 months of preliminary design approval, or obtain a building permit and substantially begin construction within six (6) months of site plan approval was beyond the applicant's control.

D. Phased Development. Phasing of development may be approved with the site design review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the site design review application.
2. The City shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than ten (10) years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
    a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
    b. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
    c. An application for phasing may be approved after site design review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Article 10-4F).

Article 10-4D — Land Divisions and Lot Line Adjustments

Sections:

10-4D-1 **Purpose**

10-4D-2 **General Requirements**

10-4D-3 **Approvals Process**

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

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

10-4D-6 **Variances Authorized**

10-4D-7 **Submissions and Approval Criteria: Final Plat and Short Plat**

10-4D-8 **Public Improvements**

10-4D-9 **Performance Guarantees**

10-4D-10 **Filing and Recording**

10-4D-11 **Replatting and Vacation of Plats**

10-4D-12 **Boundary Line Adjustments**

10-4D-13 **Binding Site Plans**

10-4D-1 Purpose

Based on RCW 58.17, the purpose of this article is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, binding site plans, short subdivisions, and boundary line adjustments.

1. Subdivisions involve the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A plat is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.
2. Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed-use zoned properties as provided in RCW 58.17.035.
3. Short subdivisions involve the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. A short plat is the map or representation of a short subdivision.
4. Boundary line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's Comprehensive Plan visions, goals, and policies;

C. To prevent the overcrowding of land;

D. To lessen congestion in the streets and highways;

E. To promote effective use of land;

F. To promote safe and convenient travel by the public on streets and highways;

G. To provide for adequate light and air;

H. To facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements;

I. To provide for proper ingress and egress;

J. To provide for the expeditious review and approval of proposed subdivisions which conform to City zoning standards, plans, and policies;

K. To adequately provide for the housing and commercial needs of citizens; and

L. To require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

10-4D-2 General Requirements

A. Compliance With Article 10-4B. Projects shall comply with Article 10-4B, Types of Applications and Review Procedures on page 4-6 of this Code.

B. Compliance With RCW 58.17. All subdivision, binding site plan, and short subdivision proposals shall be in conformance to state regulations set forth in the Revised Code of Washington (RCW), 58.17, Plats - Subdivisions - Dedications.

C. Subdivision & Short Plat Approval Through Two-step Process. Applications for subdivision or short plat approval shall be processed through a two-step process: the preliminary plat, BSP, or short plat and the final plat or short plat.

1. The preliminary plat or short plat is a clear and approximate drawing of a proposed subdivision, binding site plan, or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements consistent with the requirements of this article. The preliminary plat or short plat shall be the basis for the approval or disapproval of the general layout of a subdivision, binding site plan, or short subdivision. The preliminary plat or short plat shall be approved before the final plat or short plat can be submitted for approval consideration; and
2. The final plat or short plat is the final drawing of the subdivision or short subdivision and contains a dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this article. The final plat or short plat shall include all conditions of approval of the preliminary plat or short plat.

D. Future Re-division Plan. When subdividing or short subdividing tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying zoning district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this Code. A re- division

plan shall be submitted which identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of Chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

E. Density. The following shall be used to calculate gross and net density for residential uses:

1. Gross Density is units or lots per acre.

   Gross density = total lots / gross area of site

2. Net Density is units or lots per acre minus the area public or private right of way, parks, common open space, and any other nonresidential use.

   Net density = total lots / (gross area of site - right of way - parks - common open space - any other nonresidential use)

F. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Article 10-4I, Temporary Uses.

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

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

H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems.

I. Need for Adequate Drainage. All subdivision and short subdivision proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required; and

J. Floodplain, Park, and Open Space Dedications. All new land divisions shall be reviewed by the City for parks and open space concurrency requirements. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the

development's impact to the park and/or trail system, consistent with Article 10- 3G. Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable.

K. Exemptions. The provisions of this article shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. A division for the purpose of lease when no residential structure other than manufactured / mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land;
4. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

10-4D-3 Approvals Process

A. Review of Preliminary Plat or Short Plat. Review of a preliminary plat shall be processed by means of a Type II procedure, as governed by Article 10-4B. Review of a preliminary short plat shall be processed by means of a Type I procedure, as governed by Article 10-4B. All preliminary plats and short plats shall be reviewed using approval criteria contained in Section 10-4D-5. An application for a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. Contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties within a five-year period, must comply with the plat / subdivision requirements of this Code if the total number of resultant lots will exceed four in number. The short plat / short subdivision process shall not be used as a mechanism to avoid the requirements of the plat / subdivision requirements where there are adjacent parcels under common ownership, as described herein, that, but for the property boundaries, would be required to comply with the plat / subdivision requirements. Multiple short plat applications shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this Code.

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

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

c. Surveyor's Certificate

d. City of Liberty Lake

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

_____
Mayor, City of Liberty Lake

e. City of Liberty Lake Planning, Engineering & Building Services
Examined and approved this___day of__, 20____.

_____
City of Liberty Lake Director of Planning & Engineering

f. City of Liberty Lake Engineer

Examined and approved this_____day of_____, 20____.

_____
City of Liberty Lake Engineer

g. Spokane County Assessor

h. Spokane County Treasurer

The original of said final plat shall be filed for record with the Spokane County Auditor. One electronic copy shall be retained by the City, one paper copy shall be filed with the Spokane County Assessor, and one paper copy shall be given to the applicant.

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

      Examined and approved this_____day of_____, 20____.

      _____
      City of Liberty Lake Director of Planning & Engineering

   e. City of Liberty Lake Engineer

      Examined and approved this_____day of_____, 20____.

      _____
      City of Liberty Lake Engineer

   f. Spokane County Assessor
   g. Spokane County Treasurer

The original of said final short plat shall be filed for record with the Spokane County Auditor. One electronic copy shall be retained by the City, one paper copy shall be filed

with the Spokane County Assessor, and one paper copy shall be given to the applicant.

C. Preliminary Plat and Short Plat Approval Period. Preliminary plat and short plat approval shall be effective for a period of 5 years from the date of approval, or for the amount of time specified in RCW 58.17.170, on the date of approval, whichever is greater. The preliminary plat or short plat shall lapse if a final plat or short plat has not been submitted within the 5-year period, or for the amount of time specified in RCW 58.17.140, on the date of approval, whichever is greater.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or short plat or conditions of approval following the procedures and criteria provided in Article 10-4F - Modifications. The Zoning Administrator may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed three (3) years; provided that:

1. Any changes to the preliminary plat or short plat follow the procedures in Article 10- 4F;
2. The applicant has submitted written intent to file a final plat or short plat within the extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat or short plat application shall be required;
5. The extension request is made before expiration of the original approved plan; and
6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available.

Additional extensions may be granted for phased subdivisions (as may be approved in accordance with paragraph E, below), provided that the above criteria have been met, and at least the one phase of the subdivision has been final platted during the previous extension period.

E. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any subdivision, binding site plan, or short plat be greater than 5 years, unless an extension has been approved in accordance with the provisions of paragraph D, above;
2. The criteria for approving a phased land division proposal are:
    a. Public facilities shall be constructed in conjunction with or prior to each phase;
    b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 10-4D-9. A temporary public facility is any facility not constructed to the applicable City or district standard;
    c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and,

d. The application for phased development approval shall be reviewed concurrently with the preliminary plat, BSP, or short plat application and the decision may be appealed in the same manner as the preliminary plat, BSP, or short plat.

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

All land divisions shall follow the application review procedures established in Article 10-4B and Section 10-4D-3, subsection A.

A. Preliminary Plat.

In addition to the general requirements described in Section 10-4D-2 above, the preliminary plat application shall consist of drawings and supplementary written material on application forms approved and provided by the City. Complete applications shall contain the following information, as applicable:

1. Site analysis map (1 electronic version in a format requested by the City):
    a. Streets: Location, name, present width of all streets, alleys, and rights-of-way on and adjacent to the site;
    b. Easements: Width, location, and purpose of all existing easements of record on and adjacent to the site;
    c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
    d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the City Engineer.
    e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
    f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
    g. Critical areas, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 6 Environment and relevant portions of the Comprehensive Plan.);
    h. Site features, including existing structures, pavement, wells, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;
    i. Designated historic and cultural resources on the site and adjacent parcels or lots;
    j. The location, size and species of existing trees having a caliper (diameter) of 12 inches or greater at four feet above grade in conformance with Article 10- 3C;
    k. North arrow, scale, name and address of owner and project designer; and,
    l. Other information, as deemed appropriate by the Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address

specific site features and code requirements.

2. Proposed preliminary plat / PUD plat map (1 electronic version in a format requested by the City):
    a. Name of subdivision. This name must not duplicate the name of another subdivision in Spokane County (please check with Spokane County Assessor);
    b. Date, north arrow, and scale of drawing;
    c. Vicinity map with the location of the proposed development sufficient to define its location in the City;
    d. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;
    e. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;
    f. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;
    g. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;
    h. Easements: location, width, and purpose of all easements;
    i. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
    j. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the City Engineer.
    k. Existing structures that will remain on site;
    l. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;
    m. Subject site survey data;
    n. Data table, as applicable:
        i. Existing and proposed zoning,
        ii. Comprehensive plan category,
        iii. Existing and proposed uses,
        iv. Number of lots,
        v. Smallest lot size, typical lot size, and largest lot size,
        vi. Minimum lot frontage,

vii. Gross site area,

viii. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),

ix. Gross residential density (see Section 10-4D-2, subsection E above),

x. Net residential density (see Section 10-4D-2, subsection E above),

xi. Building setbacks - front, flanking, side, and rear,

xii. Public / common landscaped and open space area (acres),

xiii. Percent of open space,

xiv. Number of parking spaces required (see Article 10-3D);

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

p. Other information, as deemed appropriate by the Zoning Administrator.

3. Proposed landscape plan (1 electronic version in a format requested by the City):
    a. Proposed preliminary plat base map
    b. The location and height of existing and proposed fences and other buffering or screening materials;
    c. The location of proposed open space, parks, trails, etc.
    d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;
    e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and
    f. Other information as deemed appropriate by the City. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.
4. Proposed structures (1 electronic version in a format requested by the City):
    a. Building elevations with building height and width dimensions;
    b. Building materials, color, and type; and
    c. Other information as deemed appropriate by the City.
5. Lighting plan in conformance with Section 10-3F-2.
6. Application form:
    a. Name of subdivision. This name must not duplicate the name of another subdivision in Spokane County (please check with Spokane County Assessor);
    b. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor.
    c. Location of the proposed development sufficient to define its location in the city, and a legal description of the site;
    d. Location by section, township, and range;
    e. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.);

f. Assessor parcel number(s) of project site;

g. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant;

h. Street address of proposal;

i. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage;

j. School district and fire district;

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

l. Width of property fronting on public road;

m. Proposed improvements, as required by Chapter 3 (Design and Maintenance Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

n. Data table, as applicable:

i. Existing and proposed zoning,

ii. Comprehensive plan category,

iii. Existing and proposed uses,

iv. Number of lots,

v. Smallest lot size, typical lot size, and largest lot size,

vi. Minimum lot frontage,

vii. Gross site area,

viii. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),

ix. Gross residential density (see Section 10-4D-2, subsection E above),

x. Net residential density (see Section 10-4D-2, subsection E above),

xi. Building setbacks - front, flanking, side, and rear,

xii. Public / common landscaped and open space area (acres),

xiii. Percent of open space,

xiv. Number of parking spaces required (see Article 10-3D);

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

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

q. Potential impacts on adjacent properties and proposed mitigation;

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

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

7. Additional requirements:

a. Detail with approximate finished street center line grades and typical street cross

sections for public local access, collectors, etc. and private streets;

b. Detail with typical setbacks for residences;

c. Draft proposed Covenants, Conditions, and Restrictions (CC&R's) for the development, if applicable;

d. Phasing plan, if applicable;

e. Payment of fees as set in the adopted City fee schedule and signing of an agreement to pay fees; and

f. In addition to the project permit and SEPA notice provisions, outlined in Article 10-4B, notices shall also be provided to appropriate officials of the following:

   i. Other cities or towns within 1 mile of a subdivision,

   ii. Any city or town that is proposed to supply utilities to the subdivision,

   iii. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and

   iv. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

B. Preliminary Short Plat.

In addition to the general requirements described in Section 10-4D-2 above, the preliminary short plat application shall consist of drawings and supplementary written material on application forms approved and provided by the Zoning Administrator. Complete applications shall contain the following information, as applicable:

1. Site analysis map (1 electronic version in a format requested by the City):

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

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

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

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

   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

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

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

   h. Site features, including existing structures, pavement, wells, large rock

outcroppings, areas having unique views, and drainage ways, canals and ditches, and other improvements;

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

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

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

l. Other information, as deemed appropriate by the Zoning Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

2. Proposed preliminary short plat (1 electronic version in a format requested by the Zoning Administrator):

a. Date, north arrow, and scale of drawing;

b. Vicinity map with the location of the proposed development sufficient to define its location in the City;

c. Proposed development boundaries shown on map, a legal description of the site, and location by section, township, and range;

d. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor, and the date of the survey with surveyor's certificate;

e. Public and private streets, tracts, driveways, open space, parks, trails, etc. with location, names, right-of-way dimensions, and approximate radius of street curves. Tracts shall also have approximate dimensions, area calculation in square feet, and identification numbers or letters;

f. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots;

g. Easements: location, width, and purpose of all easements;

h. Proposed uses of the property, including all areas proposed to be dedicated to the public, or reserved as open space, for the purpose of surface water management, recreation, or other use;

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

j. Existing structures that will remain on site;

k. Conditions of adjacent property, platted or unplatted, and if platted, giving the subdivision name and showing the streets. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with any and all recorded covenants and easements;

l. Subject site survey data;

m. Data table, as applicable:

i. Existing and proposed zoning,

ii. Comprehensive plan category,
iii. Existing and proposed uses,
iv. Number of lots,
v. Smallest lot size and minimum lot frontage,
vi. Gross site area,
vii. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area),
viii. Gross residential density (see Section 10-4D-2, subsection E above),
ix. Net residential density (see Section 10-4D-2, subsection E above),
x. Building setbacks - front, flanking, side, and rear,
xi. Public / common landscaped and open space area (acres),
xii. Percent of open space,
xiii. Number of parking spaces required (see Article 10-3D);

n. Identification of the drawing as a "preliminary short plat" and the drawing shall contain a border size as required by the Spokane County Auditor's office; and
o. Other information, as deemed appropriate by the Zoning Administrator.

3. Proposed landscape plan (1 electronic version in a format requested by the City):
    a. Proposed preliminary short plat base map
    b. The location and height of existing and proposed fences and other buffering or screening materials;
    c. The location of proposed open space, parks, trails, etc.
    d. The location, size, and species of the existing and proposed plant materials (at time of planting) that will remain on the site;
    e. Existing and proposed building outlines, location of street fixtures, lighting, and any signage; and
    f. Other information as deemed appropriate by the City. An arborist's report may be required for sites with mature trees that are protected under Article 10-3C of this Code.
4. Proposed structures (1 electronic version in a format requested by the City):
    a. Building elevations with building height and width dimensions;
    b. Building materials, color, and type; and
    c. Other information as deemed appropriate by the City.
5. Lighting plan in conformance with Section 10-3F-2.
6. Application form:
    a. Names, addresses, and telephone numbers of the owners, contact person, designer, and engineer or surveyor.

b. Location of the proposed development sufficient to define its location in the City, and a legal description of the site;

c. Location by section, township, and range;

d. Adjacent area owned or controlled by owner or applicant (acres or sq. ft.)

e. Assessor parcel number(s) of project site;

f. Assessor parcel number(s) of adjacent area owned or controlled by owner or applicant;

g. Street address of proposal;

h. Identification of all utilities proposed for the site with source and company or district including domestic water and sewage;

i. School district and fire district;

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

k. Width of property fronting on public road;

l. Proposed improvements, as required by Chapter 3 (Design and Maintenance Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

m. Data table, as applicable:

    i. Existing and proposed zoning,

    ii. Comprehensive plan category,

    iii. Existing and proposed uses,

    iv. Number of lots,

    v. Smallest lot size and minimum lot frontage;

    vi. Gross site area,

    vii. Percent of building coverage - assuming worst case 1/3 of lot covered, (# of lots x 1/3 x average lot area in acres / gross site area);

    viii. Gross residential density (see Section 10-4D-2, subsection E above),

    ix. Net residential density (see Section 10-4D-2, subsection E above),

    x. Building setbacks - front, flanking, side, and rear,

    xi. Public / common landscaped and open space area (acres),

    xii. Percent of open space'

    xiii. Number of parking spaces required (see Article 10-3D);

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

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

p. Potential impacts on adjacent properties and proposed mitigation;

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

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

7. Additional requirements:

a. Detail with approximate finished street center line grades and typical street cross sections for public local access, collectors, etc. and private streets;

b. Detail with typical setbacks for residences;

c. Draft proposed Covenants, Conditions, and Restrictions (CC&R's) for the development, if applicable;

d. Phasing plan, if applicable;

e. Payment of fees as set in the adopted City fee schedule and signing of an agreement to pay fees; and

f. In addition to the project permit and SEPA notice provisions, outlined in Article 10-4B, notices shall also be provided to appropriate officials of the following:

i. Other cities or towns within 1 mile of a subdivision,

ii. Any city or town that is proposed to supply utilities to the subdivision,

iii. The County, when the proposed subdivision adjoins the municipal boundaries of the City, and

iv. The Secretary of Transportation, when the proposed subdivision is located adjacent to the right of way of a state highway.

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

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

1. The proposed preliminary plat or short plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable sections of Chapter 2 (Zoning Districts) and Chapter 3 (Design and Maintenance Standards) shall apply. Where a variance is necessary to receive preliminary plat or short plat approval, the application shall also comply with the relevant sections of Chapter 5 (Exceptions to Code Standards);

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of RCW 58.17;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and short plats and maps of land divisions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat or short plat; and

4. All proposed private common areas and improvements (e.g., homeowner or property owner association property) are identified on the preliminary plat or short plat, if applicable.

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

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

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zoning district (Chapter 2), and the standards of Article 10-3G.
2. Setbacks shall be as required by the applicable zoning district (Chapter 2).
3. Each lot shall conform to the standards of Article 10-3B - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for adjacent uses. See also, Chapter 2 - Zoning Districts, and Article 10-3C - Landscaping.
5. In conformance with the Fire Code, as amended, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Article 10-3B - Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or short subdivision.

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

10-4D-6 Variances Authorized

Adjustments to the standards of this Article shall be processed in accordance with Article 10-5B - Variances. Applications for variances shall be submitted at the same time an application for land division or boundary line adjustment is submitted.

10-4D-7 Submissions and Approval Criteria: Final Plat and Short Plat

A. Submission Requirements. Final plats and short plats shall be reviewed and approved by the City prior to recording with Spokane County. The applicant shall submit the final plat or short plat within 5 years of the approval of the preliminary plat or short plat, as provided by Section 10-4D-3 above.

1. One (1) electronic copy shall be submitted in a format acceptable to the Spokane County Auditor and shall include the items required under subsection B, Approval Criteria, below.
2. One (1) electronic copy of the street, grading, and drainage plans shall be submitted. Civil plans shall include City Street Standards submittal requirements, as well as street trees located and selected in accordance with Section 10-3C-4 of this Code, street signs located and selected in accordance with Section 10-3G-2, subsection U of this Code and the City Street Standards, and street lighting located and selected in accordance with Section 10-3G-2, subsection W of this Code.
3. If required by the Zoning Administrator, a geotechnical letter shall be supplied that lists the soil types within the development site and provides a schematic map identifying soil type areas. The letter must be prepared by a qualified engineer.

4. The sewer and water plan shall be submitted for the City's review and signature.
5. One (1) electronic copy of a plat certificate in a format requested by the City (less than 30 days old).

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

B. Approval Criteria. The Zoning Administrator or his or her designee shall review the final plat or short plat and shall approve or deny the final plat or short plat based on findings regarding compliance with the following criteria:

1. The final plat or short plat complies with the approved preliminary plat or short plat, and all conditions of approval and submission requirements noted above have been satisfied;
2. The final plat or short plat map contains:
    a. Name of subdivision, date, north arrow, and scale of drawing,
    b. Development boundary shown on map, a legal description of the site, and location by section, township, and range,
    c. Information on designer, an engineer or surveyor, and the date of the survey. The final plat or short plat shall contain an affidavit by the surveyor who surveyed the land, represented on the plat or short plat in the form of a surveyor's certificate acknowledging that the land was correctly surveyed and marked with proper monuments as provided by RCW 58.17, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location,
    d. The location and widths of streets, alleys, rights-of-way, easements, parks, trails, tracts, and other open spaces within the development and those existing immediately adjacent to the development shall be shown and labeled. Areas dedicated to the public shall be labeled as such,
    e. Lot, block, dimensions, area calculation in square feet, and building setbacks for all lots with addresses obtained from the City and drafted on map,
    f. Appropriate utility easements and existing structures that will remain on site shall be shown,
    g. Layout and names of adjoining subdivisions, replats, etc. shall be shown with a dashed line within and adjacent to the development boundary,
    h. Plat restrictions required as conditions of preliminary plat or short plat approval shall be shown,
    i. All special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown,
    j. A notarized certification by the owner(s) as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements indicated on final plat or short plat,
    k. Signature blocks for the agencies and parties listed in Section 10-4D-3, subsection B above, shall be included on the first page,

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

m. A dedication with content supplied by the Zoning Administrator shall be drafted on the first page of the final plat and a lot or parcel, block, and address chart shall also be included on the final plat,

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

o. Other information, as deemed appropriate by the Zoning Administrator.

3. Public improvements required by the preliminary plat or short plat have been installed and approved by the Zoning Administrator. Alternatively, the developer has provided a performance guarantee in accordance with Section 10-4D-9.
4. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
5. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat or short plat;
6. The plat or short plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;
7. The plat complies with the applicable Articles of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat or short plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot or parcel depicted on the plat or short plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Article 10-3G - Public Facilities, and the bond requirements of Section 10-4D-9. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;
9. The applicant has supplied public utility providers with the final plat/short plat and the availability of public water and public sewer has been demonstrated to be consistent with adopted levels of service;
10. The applicant has provided copies of all recorded homeowners association or property owners association Covenants, Conditions, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
11. The applicant has furnished a current title certificate (less than 30 days old) from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;
12. The agencies and parties listed in Section 10-4D-3, subsection B above, have approved and signed the final plat;
13. All taxes, auditor recording fees, assessments, etc., and City required fees established in

the City fee schedule have been paid; and

14. The applicant has furnished electronic copies of the final plat or short plat if requested by the City, in a format approved by the City, and other documents or information requested by the City.

10-4D-8 Public Improvements

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

10-4D-9 Performance Guarantees

A. Performance Guarantee Required. When a performance guarantee is required, the subdivider shall file an assurance of performance with the City supported by one of the following:

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

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

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

D. Agreement. An agreement between the City and developer shall be attached to the Performance Guarantee which specifies the period within which all required improvements and repairs shall be completed. The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the Zoning Administrator.

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

E. When Subdivider Fails to Perform. In the event the developer fails to complete all required improvements, the City shall call on the bond, cash deposit, or letter of credit to construct the required improvements.

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

G. Warranty Bonds. Additional bonding or assurance shall be required for all improvements within

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

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

10-4D-10 Filing and Recording

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

B. Proof of recording. Upon final recording with the County, the City shall retain one electronic copy of all sheets of the recorded final plat. Issuance of building permits for the newly created lots shall not occur until the plat or short plat is recorded.

C. Prerequisites to recording the plat.

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

10-4D-11 Replatting and Vacation of Plats

A. Replatting and Vacations.

Any plat or short plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Changes of condition to final plats and short plats are covered in Article 10-4F below.

B. Procedure.

All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or short subdivision (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the original land division process shall be afforded to the plat vacation process. (See Article 10-4B - Types of Applications and Review Procedures). Applications shall conform to the applicable sections of RCW 58.17.

C. Basis for denial.

A replat or vacation application may be denied if it abridges or destroys any public right in any of

its public uses, improvements, streets, or alleys; or if it fails to meet any applicable criteria.

D. Recording of vacations.

All approved plat vacations shall be recorded in accordance with Section 10-4D-10 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.

E. After sale of lots.

When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets.

All street vacations shall comply with the procedures and standards set forth in RCW 36.87 and/or RCW 35.79. When the application is for the vacation of the plat, BSP, or short plat together with the roads and/or streets, the procedure for vacation in RCW 36.87 and/or RCW 35.79 shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030 and/or RCW 35.79.035, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

10-4D-12 Boundary Line Adjustments

Boundary Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City that are approved by the Spokane County Auditor for recording, if recording is required by Spokane County. One form shall be completed for each lot involved in the lot line adjustment. Boundary line adjustments shall follow the process for exempt projects, as governed by Article 10-4B. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; before and after legal descriptions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined in Article 10-3C; existing fences and walls; and any other information deemed necessary by the Zoning Administrator ensuring compliance with city codes.

Additionally, applications must include a Spokane County Assessor segregation / aggregation form that will be signed upon approval by the City and then must be returned by the applicant to the Spokane County Assessor for processing.

B. Approval Process.

1. Decision-making process. Lot line adjustments shall be reviewed by means of an exempt procedure, as governed by Article 10-4B, using approval criteria contained in subsection

C, below.

2. Time limit on approval. The lot line adjustment approval shall be effective for a period of sixty (60) days from the date of approval, during which time it must be recorded, if required by Spokane County.
3. Lapsing of approval. The boundary line adjustment approval shall lapse if:
    a. The boundary line adjustment is not recorded within sixty (60) days, if required by Spokane County;
    b. The boundary line adjustment has been improperly recorded with Spokane County without the satisfactory completion of all conditions attached to the approval; or
    c. The final recording is a departure from the approved plan.

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

1. No additional parcel or lot may be created by the boundary line adjustment; however, the number of lots or parcels may be reduced;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the zoning district (Chapter 2) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Article 10- 3B – Access and Circulation;
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the zoning district (Chapter 2);
5. Exemptions from Dedications and Improvements. A boundary line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required; and
6. All required fees, per the adopted City fee schedule, have been paid.

D. Recording Lot Line Adjustments.

1. Recording. Upon the City's approval of the proposed boundary line adjustment, the applicant shall record the lot line adjustment with Spokane County within sixty (60) days of approval (or the decision expires) and submit a copy of the recorded survey map to the City, if recording is required by Spokane County, along with the completed and approved segregation / aggregation form, to be filed with the approved application.
2. Time limit. The applicant shall submit the copy of the recorded boundary line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots, if recording is required by Spokane County.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved boundary line adjustment within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the boundary line adjustment conflicts with a code

change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan.

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

Binding site plans involve divisions of land for the purpose of sale or lease of commercial, industrial, or mixed-use zoned properties as provided in RCW 58.17.035. The application submission and approvals process is as follows:

A. General Provisions.

1. The purpose of this chapter is to provide a process to divide industrial and commercial land into lots, tracts, parcels, sites, or divisions with a level of review that is proportional to the effect those lots may have on the surrounding area. It is also to provide a process designating lots to be created; however, such designation is to be liberally construed in order that lots may be modified without resubmittal of an application, as long as the project is consistent with required zoning and other development standards.
2. The process of binding site plans is limited to those areas which are zoned for commercial, industrial, or mixed use under the City of Liberty Lake Development Code. It may also be used for the purpose of approving manufactured home parks located in other zones under the Liberty Lake Development Code.

B. Application.

Prior to filing an application with the City, the applicant shall have a Pre-Application Conference with the City. Following the preconference, the applicant may submit a preliminary binding site plan application for review by the City and appropriate agencies.

C. Contents of Preliminary Binding Site Plan.

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

1. Maps/Exhibits.
    a. One (1) electronic copy of the preliminary binding site plan prepared by or under the direction of a licensed professional land surveyor with a scale of 1”=50’, 1”=100’. If approved by the City, an appropriate scale may be used which does not exceed 1”=200’.
    b. One copy of the Spokane County assessor’s map showing the location of and the existing parcel number of all abutting properties. The approximate location of the subject property shall be clearly marked.
    c. Environmental checklist per City of Liberty Lake environmental ordinance.
    d. Legal description of the property with the source of the legal description clearly indicated.
    e. Public notice packet.
2. Preliminary Binding Site Plan Data (To Be Illustrated on the Preliminary Binding Site Plan).

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

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

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

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

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

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

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

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

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

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

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

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

D. Distribution of Preliminary Binding Site Plans.

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

E. Preliminary Binding Site Plan Agency Review.

The affected agencies shall review the preliminary binding site plan during the Notice of Application comment period and within fourteen (14) days or less, furnish their recommendation and recommended conditions, if any, for approval or disapproval of the preliminary binding site plan to the City. All required recommendations and recommended conditions of approval from agencies of jurisdiction shall be received in writing by the City and shall be made part of the file. The City and reviewing agencies may request additional information during the review process in order to process the application. After reviewing the project and completing SEPA review, the Zoning Administrator shall issue a written decision approving or denying the application with written findings of fact.

F. Preliminary Binding Site Plan Public Notice.

Notice of application, decision, and other required notice shall be made pursuant to the requirements for a Type I Project Permit (see Article 10-4B).

G. Public use and interest.

The Zoning Administrator should determine, and make written findings, if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare; and whether the public interest will be served by the binding site plan.

H. Conformity with applicable land use controls.

Binding site plans can be approved by the Zoning Administrator, if the Zoning Administrator makes a formal written finding of fact that the proposed binding site plan is in conformity with the Development Code or other land use controls which are known to exist.

I. Preliminary Approval.

Applications for binding site plans should either be approved, approved with conditions, or denied in accordance with the Type I Project Permit review procedures, unless additional environmental information is required under SEPA.

The Zoning Administrator may, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed three (3) years; provided that:

1. Any changes to the BSP follow the procedures in Article 10-4F;
2. The applicant has submitted written intent to file a final BSP within the extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary BSP application shall be required;
5. The extension request is made before expiration of the original approved plan; and
6. The extension request has been routed to agencies with jurisdiction for comment and the opportunity for the City or other reviewing agency to modify the original Conditions of Approval was available.

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

J. General Design.

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

1. The design, shape, size, and orientation of the lots should be appropriate for the use for which the divisions are intended, and the character of the area in which they are located.
2. Block dimensions should reflect regard for the needs of convenient access, public safety, emergency vehicle access, topography, street maintenance, and the provision of suitable sites for the land use planned.
3. Street alignments should be designed with appropriate consideration for existing and projected streets, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided.

4. Lots should not be divided by the boundary of any city, county, zoning designation, or public right-of-way.
5. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Article 10-3G - Public Facilities.

K. Streets.

Direct access to every lot shall be provided by a public or private street, or a private driveway easement consistent with the City Street Standards. Exceptions to the standards may be granted by the City Engineer on a case-by-case basis. Public street(s), private street(s) and or driveways serving those lots being developed shall be reviewed by the City Engineer and constructed by the developer / applicant, and final as-built plans shall be submitted prior to the issuance of a building permit, unless a Performance Guarantee has been provided in accordance with Section 10-4D-9.

L. Sewage disposal

Provisions for adequate sewage disposal shall be in compliance with the City of Liberty Lake Sewer Ordinance, comprehensive wastewater management plan, and current City of Liberty Lake, Spokane Regional Health District, Department of Health, Department of Ecology, or the other appropriate agencies' regulations.

M. Water supply.

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

N. Stormwater runoff.

Provisions for stormwater runoff shall be in compliance with Article 10-3H Stormwater Management.

O. Utilities.

The dedication language in the final binding site plan shall include a statement indicating that utility easements for utility purveyors shall be made prior to the creation of each lot through a record of survey. If the binding site plan is finalized in one phase, easements for electric, water, sewer, gas, and similar utilities shall be illustrated on the final binding site plan. The applicant shall supply public utility providers with BSP documents and the availability of public water and public sewer has been demonstrated to be consistent with the adopted levels of service.

P. Professional land surveyor.

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

Q. Mapping Requirements. The final BSP map shall show:

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

R. Monumentation.

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

S. Final Binding Site Plan Submittal.

The final binding site plan shall incorporate any conditions of approval imposed by the City and shall be prepared and certified by a licensed professional land surveyor. Submittal of a final binding site plan shall be made within five years of the date of preliminary approval, unless an extension of time has been granted under the provisions of 10-4D-I. A final binding site plan may include all of the lots being created or it may consist of the boundary of the binding site plan. If no lots are being created at the time of filing the final binding site plan, the creation of any lots shall be made by a record of survey under the provisions of RCW 58.09. Final BSP review should be completed within sixty (60) days of submittal.

All final binding site plan submittals shall include the following:

1. One electronic version in a format requested by the City
2. Final binding site plan fees;
3. One (1) electronic copy of a plat certificate in a format requested by the City (less than 30 days old).

T. Contents of Final Binding Site Plan.

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

of the subject land, and that monumentation have been established as required by City standards.

18. The following signatures of approval are required on the final binding site plan:
    a. Property Owners of Record
    b. Spokane County Auditor's Certificate
    c. Surveyor's Certificate
    d. City of Liberty Lake

       Examined and approved this_____da y of_____, 20____.

       _____
       City of Liberty Lake Director of Planning & Engineering

    e. City of Liberty Lake Engineer

       Examined and approved this_____day of_____, 20____.

       _____
       City of Liberty Lake Engineer

    f. Spokane County Assessor
    g. Spokane County Treasurer

U. Filing.

Once the final binding site plan has been reviewed, approved, and signed by the City, the applicant shall file the final binding site plan with the county auditor and the City shall be so notified of such filing. Fees to record the final binding site plan shall be the responsibility of the applicant.

V. Record of Survey.

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

   All record of survey submittals shall include the following:

   a. One electronic copy of the proposed record of survey in a format requested by the City;
   b. Record of survey fees;
   c. One (1) electronic copy of the plat certificate in a format requested by the City (less than 30 days old).

2. The following information shall be provided on the record of survey.
   a. The survey shall be of a size required by the county auditor. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.
   b. The binding site plan file number shall be referenced.
   c. The scale shall be fifty or one hundred feet to the inch. If approved by the City, an

appropriate scale may be used which does not exceed 1”=200’, provided a 1”=400’ reduced copy is provided.

d. A distinct wide boundary line shall delineate the boundary of the lot(s) being created. The boundary of the binding site plan shall be indicated and any lot(s) that have been created by filing of the final binding site plan and/or record of survey.

e. Each lot shall be numbered consecutively, and the size of each lot shall be indicated on the record of survey.

f. The location and widths of streets, alleys, rights-of-way, and easements within the binding site plan and those existing immediately adjacent to the lot being created shall be shown.

g. Street names shall be shown.

h. Street addresses of each lot shall be shown.

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

j. Appropriate utility easements shall be shown.

k. Certification of the licensed professional land surveyor.

l. The following signatures are required on the record of survey:

    i. City of Liberty Lake Director of Planning & Engineering;

    ii. Property owner.

m. Illustrate any existing buildings located on the lot which is being created.

n. Provide an amendment history chart.

Article 10-4E — Planned Unit Developments

Sections:

10-4E-1 **Purpose**

10-4E-2 **Applicability**

10-4E-3 **Review and Approvals Process**

10-4E-4 **Allowed Uses**

10-4E-5 **Code Provision Modifications**

10-4E-6 **Density**

10-4E-7 **Preliminary PUD Submission Requirements**

10-4E-8 **Preliminary PUD Approval Criteria**

10-4E-9 **Administrative Procedures**

10-4E-10 **Final PUD Approval Criteria**

10-4E-1 Purpose

A. Purpose. The purpose of this article is to implement the goals and policies of the City of Liberty Lake Comprehensive Plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential and mixed-use development in order to protect and enhance environmental features, encouraging the development of affordable housing, and providing other public benefits. This article provides performance criteria to encourage flexibility in the choice of the types of living units available to the public through the planned unit development (PUD) process. More specifically, it is the purpose of this article to:

1. Encourage innovative planning that results in more mixed-use development, improved protection of open spaces, and greater housing and transportation options;
2. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified living environments;
3. Facilitate the efficient use of land;
4. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
5. Preserve to the greatest extent possible the existing landscape features and amenities, that may not otherwise be protected through conventional development;
6. Encourage energy conservation and improved air and water quality.

10-4E-2 Applicability

The planned unit development (PUD) designation is an overlay which may be applied over the City's

zoning districts, as identified in the adopted zoning matrix. Existing subdivisions and lots of record on which no development has yet occurred or where adequate vacant land exists within an existing development to meet the standards and criteria of this article are eligible for PUD approval as changes of condition to the original plat, short plat, or BSP and would be processed in the same manner as a new land division application. An applicant may propose to develop a project as a PUD in compliance with the requirements of this article, subject to confirmation by the City.

10-4E-3 Review and Approvals Process

A. Review Steps. There are three required steps to potential PUD approval:

1. Submittal of required PUD exhibits or information, concurrent with requirements for plats, short plats, or BSP's (see Article 10-4D above), as applicable.
2. Adherence to the project permit processing steps in Article 10-4B; and
3. The approval of preliminary subdivision plat(s), short subdivision plats, or binding site plans accompanied by PUD overlay, as applicable.

B. Approval Process.

1. The Subdivision Plat, Short Subdivision Plat, or Binding Site Plan, as applicable, and the Planned Unit Development (PUD) shall be reviewed together, if applicable. The Type III procedure in Article 10-4B, the submission requirements in Section 10-4E-7, and the approval criteria in Section 10-4E-8, shall be used for the review of a preliminary Planned Unit Development.
2. The project shall either be approved, approved with modifications/conditions, or denied.

10-4E-4 Allowed Uses

A. The following uses may be permitted in an approved PUD:

1. All uses allowed in the underlying zoning district (Chapter 2);
2. Any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property and limited or conditional use requirements may be modified if the modification is to meet the purpose of a PUD.

10-4E-5 Code Provision Modifications

A. The City may utilize a PUD to modify any of the provisions of the code if it can be demonstrated that it furthers the goals and policies of the Comprehensive Plan and meets the purpose of a PUD except the following:

1. The City may not modify any of the provisions of this Article; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD; and
3. The City may not modify any of the procedural provisions of this code; and

4. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
5. The City may not modify any provision pertaining to the installation of public improvements; and
6. The City may not modify any provision regulating signs; and
7. The City may not modify any provision that would be detrimental to the public health, safety, or welfare.

B. Other Provisions of the City Municipal Code.

All other provisions of the City Municipal Code shall apply, except as modified by this article.

C. More than one overlay. When more than one overlay applies to the development (i.e. Specific Area Plan Overlay Zone and a PUD), and standards conflict between the overlays, the more restrictive standards shall apply (i.e., those which afford the greatest protection to identified resources and amenities, compatibility between land uses, etc.), as determined by the Zoning Administrator /designee.

10-4E-6 Density

The housing density standards shall be determined based on the densities in Chapter 2, provided that the net density shall not exceed 30 du/acre. When allowed by the Comprehensive Plan, the City may authorize a density bonus above the density allowed by Chapter 2 or this Title, as an incentive to increase or enhance open space, protect critical areas, provide unique architectural character, incorporate a mix of uses, and or accomplish other purposes of the zone. The density bonus shall not result in the allowable density exceeding 10 percent of the allowable density in Chapter 2.

10-4E-7 Preliminary PUD Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Article 10-4B and for a plat, short plat, or BSP, as governed by Article 10-4D, as applicable. In addition, the applicant shall submit the following on forms approved and provided by the Zoning Administrator:

1. A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the PUD and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 10-4E-8.
5. A SEPA checklist and such special studies prepared by qualified professionals may be

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

B. Additional information. In addition to the general information described in Subsection "A" above, and the requirements of Articles 10-4B and 10-4D, the application shall include the following, as applicable:

1. Conceptual site plan and renderings - may be combined with other required maps or plans outlined in Article 10-4D provided that the general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the PUD concept are included;
2. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated); and
3. Sign concept (e.g., locations, general size, style, and materials of signs).
4. Mixed use provisions including phasing plans to ensure that the approved mix of uses occurs.

10-4E-8 Preliminary PUD Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the PUD. The City shall make findings that one or more of the criteria are not satisfied when denying an application:

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan shall be met;

B. Compliance with the provisions of the Washington State Environmental Policy Act as adopted by the City.

C. Compliance with this Article. All PUD proposals shall comply with the provisions of this Article (10-4E)

D. Land Division Article. All of the requirements for land divisions, as applicable, shall be met (Article 10-4D);

E. Code Provision Modification Principles. The allowed uses permitted under Section 10- 4E-4, the code provision modifications permitted under Section 10-4E-5 and the density bonus permitted under Section 10-4E-6 shall be based on the following principles:

1. The criteria below shall be used in granting modifications to the code provisions through a PUD proportional to the requested modification(s).

   The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

   a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
   b. The proposed PUD will preserve, enhance, or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.

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

d. The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:

i. Increased provision of public/common open space, streetscape, pedestrian, or recreational facilities, or preservation of viewscapes.

ii. Superior circulation patterns, structured parking, or location or screening of parking facilities.

iii. Superior landscaping, buffering, or screening in or around the proposed PUD, as well as green roofs.

iv. Superior architectural design, placement, relationship, or orientation of structure, as well as LEED or Built Green Certifications; LEED Homes; LEED Neighborhood; Built Green Single-Family Homes; Built Green Multi-Family; or built Green Community.

v. Minimum use of impervious surfacing materials.

vi. Superior public art which incorporates seating (e.g. fountain, sculpture, etc.).

vii. Superior public transit amenities, such as a bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by the Spokane Transit Authority.

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

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

e. The PUD incorporates workforce or specialty housing. Any PUD which proposes workforce or specialty housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, employment centers, etc.). Housing prices and/or rents shall be controlled at these levels through Covenants, Conditions, and Restrictions (CCR) or similar instrument for a minimum of 10 years.

f. Consistency or compatibility with:

i. Comprehensive Plan;

ii. Development Regulations; and

iii. Nearby properties and the neighborhood character.

2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.

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

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

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

    a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Zoning Administrator with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a Level One Environmental Assessment), and budgetary and maintenance abilities;

    b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City.

G. Requirements for Mixed Use Developments. All buildings fronting streets in a mixed-use development shall contain areas for commercial and/or office uses on the ground floor and may contain covered parking. All residential uses shall be above the ground floor.

1. The building and site layout shall be designed to maximize the amount of commercial/office uses on the ground floor, as determined by the City.
2. This vertical mixed-use requirement may not apply when the City determines that topography precludes access to the street.

H. Requirements for Recreational Vehicle Parks / Campgrounds (when allowed in a PUD).

1. The maximum net units per acre shall be 15.
2. The site shall have a minimum frontage of 125 feet on a major collector arterial or higher classification.
3. Traveled roadways on site shall be private and paved.
4. Accessory uses including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:

    a. Such establishments and their associated parking shall not occupy more than 5 percent of the gross area of the park.

    b. Such establishments shall be restricted in their use to occupants and their guests of the park.

    c. Such establishments shall present no visible evidence from any street outside the park of their commercial character, which would attract customers other than occupants of the park and their guests.

    d. The structures housing such facilities shall not be located closer than 100 feet to any public street.

5. Recreational vehicle stalls (spaces) shall average 1,500 square feet.
6. A minimum of 15 percent of the gross site area for the recreational vehicle park shall be set aside and developed as common use areas for open or enclosed recreation facilities. Recreational vehicle stalls, private roadways, storage, utility sites, and off-street parking areas or shall not be counted as meeting this requirement.

7. Entrances and exits to the recreational vehicle park shall be designed for safe and convenient movement of traffic.
8. Off-street parking, at 1 space per stall, shall be provided.
9. The application for a recreational vehicle park shall include a site plan that identifies vehicle stalls (spaces), motor vehicle parking spaces, the interior private road circulation, open and enclosed spaces for recreational opportunities, landscaping plans, and any other major features of the proposal.
10. Sight-obscuring fencing, landscaping or berming may be required to assure compatibility with adjacent uses.
11. The recreational vehicle park shall meet all Regional Health and City regulations regarding sewage and water.

10-4E-9 Administrative Procedures

A. Time limit on filing of final plats, short plats, and BSP's. The time limits outlined in Article 10-4D above for filing of final plats, short plats, and BSP's shall be followed.

B. Extension. Granting of extensions for PUD proposals shall be as outlined in Section 10- 4D-3 Modifications and Extensions, for extensions on final plats, short plats, and Section 10-4D- 13 for BSP's.

10-4E-10 Final PUD Approval Criteria

The City shall process final PUD's concurrent with the final plat, short plat, BSP, or building permit for the project, as applicable, and the process shall be as outlined in Article 10-4D above, specifically Section 10-4D-7, Submissions and Approval Criteria: Final Plat and Short Plat and Section 10-4D-13 for BSP's. Final PUD's shall meet all conditions of approval and other requirements of the preliminary PUD.

Article 10-4F — Modifications to Approved Plans and Conditions of Approval

Sections:

10-4F-1 **Purpose**

10-4F-2 **Applicability**

10-4F-3 **Major Modifications**

10-4F-4 **Minor Modifications**

10-4F-1 Purpose

A. Purpose. The purpose of this Article is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

10-4F-2 Applicability

A. This Article applies to all development applications approved through the provisions of Chapter 4, including:

1. Site Design Review approvals;
2. Subdivisions, Binding Site Plans, Short Subdivisions, and Boundary Line Adjustments;
3. Planned Unit Developments;
4. Conditional Use Permits; and
5. Conditions of approval on any of the above application types.
6. Modifications to adopted Specific Area Plan Overlays (SAP) shall also be reviewed through the Major & Minor Modification process.
    a. SAP Major Modifications are reviewed during the annual amendment cycle.
    b. The City or the SAP Applicant can propose modifications to an adopted SAP during the annual amendment cycle, consistent with amendments to the City Comprehensive Plan and Development Code.
    c. Minor Modifications can be proposed by the City or the SAP Applicant and are reviewed administratively.

B. This Article does not apply to zoning district changes, text amendments, temporary use permits, or other permits.

10-4F-3 Major Modifications

A. Major Modification Defined. The Zoning Administrator shall determine that a major modification(s)

is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;
4. An increase in the lot coverage proposed for non-residential use by more than 5 percent where previously specified;
5. A reduction of more than 5 percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements to a degree that the minimum setback standards of the zoning district cannot be met; or
7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon receipt of notice of the Zoning Administrator's determination that the proposed modification is a major modification, the applicant shall submit either an application for the major modification or, if the project was originally approved with conditions, an application for a change of conditions.
2. The modification request shall be subject to the same review procedure (Exempt, Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure.

10-4F-4 Minor Modifications

A. Minor Modification Defined. Any modification to a land use decision or approved development plan that does not meet the criteria for a major modification in Section 10-4F-3, above, shall be considered a minor modification.

B. Minor Modification Request. The Zoning Administrator will review an application for approval of a minor modification request using the Exempt project procedure as outlined in Article 10-4B above. The Zoning Administrator may approve, approve with conditions, or deny an application for a minor modification based on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the Development Code and/or in the case of projects with conditions of approval attached, the proposed development is in compliance with the conditions of approval; and
2. The modification is not a major modification as defined in Section 10-4F-3, above.

The Zoning Administrator's decision will be issued in writing and will include a summary of the Zoning Administrator's finding as to each criteria.

Article 10-4G — Administrative Interpretations

Sections:

10-4G-1 **Purpose**

10-4G-2 **Administrative Interpretation Procedure**

10-4G-1 Purpose

A. Purpose. In order to ensure the uniform application of this Code, the Zoning Administrator is authorized to render or make interpretations. An interpretation of the provisions of this Code may be necessary to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret the scope or intent of the provisions of this Code. An interpretation of the Building Regulations, Title 9, of the City of Liberty Lake Municipal Code, may not be requested under this article. An interpretation of the provisions of this Code may not be used to amend this Code.

10-4G-2 Administrative Interpretation Procedure

A. Requests. Any person may request a written interpretation of the provisions of this Code. In addition, the Zoning Administrator may issue an interpretation on his or her own initiative.

B. Submittal Requirements. Any person requesting an interpretation of this Code shall submit a written request specifying each provision of the Code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or materials in support of a proposed interpretation. The applicant shall pay the fee for Administrative Interpretations as set forth in the adopted City Fee Schedule.

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

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

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

E. Zoning Administrator's Decision. The Zoning Administrator’s decision on an interpretation shall include the name of the applicant, the description of the subject proposal, the language of the code subject to interpretation, the explanation of the Zoning Administrator’s interpretation, and any other necessary information reasonably related to the proposal. Unless otherwise provided herein, the Zoning Administrator shall mail a written response to any person filing a written request

to interpret the provisions of this Code within twenty-eight (28) calendar days of having received that request. When a request is made while a project is pending and after a Determination of Completeness (DOC) has been issued, the permit applicant must agree to waive the required project permit 120-day time frame to allow for preparation of the interpretation, and any changes to the project that the interpretation might require. The decision is rendered on the date of the written interpretation.

F. Time Limitation. An interpretation of this Code remains in effect unless and until rescinded in writing by the Zoning Administrator.

G. Enforcement. An interpretation of this Code issued in accordance with these provisions may be enforced in the same manner that any other provision of this Code is enforced. All written interpretations of this Code with a current index of such interpretations shall be maintained by t the Zoning Administrator and made available for public inspection.

H. Appeals. When an interpretation is made in response to a written request pursuant to these provisions or when an Administrative Decision is rendered, the person filing the written request or whom the Administrative Decision was addressed may appeal the decision of the Zoning Administrator to the Hearing Examiner within fourteen (14) calendar days from the date the Zoning Administrator's decision is rendered. A notice of appeal shall be delivered to the Zoning Administrator by mail or personal delivery, and must be received by 4:00 p.m. on the last business day of the appeal period, with the required appeal fee. The fee for such appeal shall be as set forth for Appeals of Administrative Interpretations in the adopted City Fee Schedule.

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

    A public hearing for the appeal shall be scheduled before the Hearing Examiner not less than twenty-one (21) calendar days from the date the complete notice of appeal with appeal fee is submitted to the City.
4. Judicial Appeal.
    a. Appeals from the final decision of the Hearing Examiner shall be made to the Spokane County Superior Court and must be filed as a land use petition in the Superior Court within twenty-one (21) days of the date the written appeal decision is signed.
    b. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, and all persons identified in RCW 36.70C.040, within the applicable time period.
    c. The cost of transcribing and preparing all records ordered certified by the court or

desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the City Clerk an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant.

Article 10-4H — Conditional Use Permits

Sections:

10-4H-1 **Purpose**

10-4H-2 **Approvals Process**

10-4H-3 **Application Submission Requirements**

10-4H-4 **Criteria, Standards and Conditions of Approval**

10-4H-5 **Additional Development Standards for Conditional Use Types**

10-4H-1 Purpose

There are certain uses which, due to the nature of their impact on surrounding land uses and public facilities and services, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Chapter 2 - Zoning Districts. The purpose of Article 10-4H is to provide standards and procedures under which a conditional use may be permitted, enlarged, or altered if the site is appropriate and if other appropriate conditions of approval can be met.

10-4H-2 Approvals Process

A. Initial Application. An application for a new conditional use shall be processed as a Type II procedure (Article 10-4B). The application shall meet submission requirements in Section 10- 4H-3, and the approval criteria contained in Section 10-4H-4.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Article 10-F - Modifications.

10-4H-3 Application Submission Requirements

In addition to the submission requirements required in Article 10-4B above, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Section 10-4C-3 - Site Design Review Application Submission Requirements:

A. Site analysis map (existing site conditions);

B. Proposed site plan;

C. Preliminary grading plan;

D. A landscape plan;

E. Architectural drawings of all structures;

F. Drawings of all proposed signs;

G. A copy of all existing and proposed restrictions or covenants.

H. Narrative report documenting compliance with all applicable approval criteria in Section 10-4H-4.

10-4H-4 Criteria, Standards and Conditions of Approval

The Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Use Criteria.

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for Site Design Review approval (Section 10-4C-4 above) shall be met.

C. Conditions of Approval. The Hearing Examiner may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size, or lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their

installation and maintenance;

11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or critical areas;
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/ bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Article 10-3B.

10-4H-5 Additional Development Standards for Conditional Use Types

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional development standards. Development standards for specific uses are contained in Chapter 2 - Zoning Districts.

Article 10-4I — Miscellaneous Permits

Sections:

10-4I-1 **Temporary Use Permits**

10-4I-2 **Home Occupation Permits**

10-4I-3 **Special Use Permits**

10-4I-4 **Small Wireless Facilities Permits**

10-4I-5 **Community Events Permits**

10-4I-1 Temporary Use Permits

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 include, but are not limited to construction trailers, leasing offices, parking lot sales, retail warehouse sales, mobile sales / concessions, and seasonal sales such as Christmas tree sales and vegetable stands. The uses listed below have specific requirements for Temporary Use Permit approval. The uses below and other uses listed in the Zoning Matrix may require a Temporary Use Permit with additional regulations or requirements identified in the Limited or Conditional Use:

A. Temporary Sales Office or Model Home. Using the Exempt project procedure under Article 10-4B, the Zoning Administrator / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:

1. Temporary sales office:
    a. The use will be for no other purpose other than those described above; and
    b. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
    c. The property to be used for a temporary sales office shall not be permanently improved for that purpose and shall be removed or the sales office use shall be discontinued upon sell-out of the subdivision or tract of land, unless the temporary sales office is located within a model house where the use shall comply with the requirements in subsection "2-c" below; and
    d. The temporary sales office may be located in the model house defined below.
2. Model house:
    a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
    b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code; and
    c. The model house use shall be discontinued, and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase

in which the model house is located is less than 80% sold- out in which case, the Zoning Administrator may grant up to two, one (1) year extensions for the model house use. If the model house contains a temporary sales office, the time limits specified above for the model house shall apply.

B. Temporary Building. Using the Exempt project procedure, as governed by Article 10-4B, the Zoning Administrator / Designee may approve, approve with conditions, or deny an application for a temporary trailer, storage container, or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, based on the following criteria:

1. The temporary trailer, storage container, or prefabricated building will be for no other purpose other than those described above;
2. The temporary trailer, storage container, or building shall be located within the boundaries of the parcel of land on which it is located;
3. The primary use on the property on which the temporary trailer, storage container, or prefabricated building is to be located is already developed or under construction;
4. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Article 10-3B - Access and Circulation;
5. There is adequate parking for the customers or users of the temporary use, as required by Article 10-3D - Vehicle and Bicycle Parking;
6. The use will not result in vehicular traffic congestion on streets;
7. The use will pose no hazard to pedestrians in the area of the use;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
9. The building complies with applicable building codes;
10. The use can be adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
11. The length of time that the temporary building will be used does not exceed one (1) year, unless approved for an extended period of time by the Zoning Administrator. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit, if an extension is so approved.

C. Mobile Sales / Concessions. Using the Exempt project procedure under Article 10-4B, the Zoning Administrator / Designee shall approve, approve with conditions, or deny a temporary use permit for a mobile food service establishment or mobile sales booth, based on the following criteria:

1. Mobile food service establishment:
    a. A truck, trailer, or cart located in a non-permanent fixed location utilized primarily for the sale of food;
    b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City, or when associated with sports league play; the City has the right to limit the number of mobile food service establishments and types of products;
    c. May be permitted on private property or adjacent parking in the public right-of-way,

when associated with a community event as defined in this Code and determined by the City;

d. May be permitted on private property or adjacent parking in the public right-of-way when explicitly allowed within the zoning district of the proposed location, and subject to the standards of that zoning district.

e. Mobile food service establishments associated with a community event cannot be utilized on public or private property for more than twenty-one (21) consecutive days or the duration of an approved community event, unless approved for an extended period of time by the Zoning Administrator / Designee;

f. Temporary use permits for mobile food service establishments that are explicitly allowed within the zoning district shall remain in effect for a period of one year. When the permit expires, the applicant shall be required to renew the temporary use permit or remove the mobile food service establishment.

g. A site plan must be submitted, and the mobile food service establishment will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;

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

i. The mobile food service establishment must have a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to ensure, at all times, public access and use of the container;

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

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

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






2. Mobile sales booth:

a. A booth (including trailer, canopy, or display area) utilized for the sale or display of goods or services located in a non-permanent fixed location;

b. Only permitted on public property or within the public right-of-way when associated

with a community event as defined in this Code and determined by the City;

i. The City has the right to limit the number of vendors and types of products and services.

ii. The following products and services shall be prohibited, and on-site enforcement of the prohibition shall be conducted by the Liberty Lake Police Department:

aa. Adult oriented merchandise or services

bb. Drug paraphernalia

cc. Hazardous materials

dd. Illegal merchandise or services

ee. Tobacco

ff. Weapons

gg. Similar products and services as listed above, as determined by the Zoning Administrator / designee;

c. Only permitted on private property when associated with a community event as defined in this Code and determined by the City;

d. Mobile sales booths cannot be utilized on public or private property for more than twenty-one (21) consecutive days or the duration of an approved community event, unless approved for an extended period of time by the Zoning Administrator / Designee;

e. A site plan must be submitted, and the mobile sales booth will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;

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

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

3. The requirement for individual permits for mobile sales/concessions vendors within a larger community event may be waived, provided the mobile sales/concessions have been addressed in the Community Event permit application and site plan associated with that event.









10-4I-2 Home Occupation Permits

The purpose of this section is to facilitate small commercial ventures operated within a residence, which are appropriate in scale and impact to be operated within a residence and which could not necessarily be sustained if it were necessary for the business owner to lease commercial quarters. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home occupations are permitted in residential units (dwellings) that are owned by the person operating the home occupation or which is the primary residence of the operator of the home occupation, subject to the following standards:

A. Appearance and Use of Residence:

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business;
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification;
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval);
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure;
5. The home occupation, including storage space, shall not occupy more than forty-nine (49) percent of the residential unit, however a home occupation may be located in an approved detached accessory building under the standards of this section; and,
6. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise.

B. Storage:

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited;
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited; and
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

C. Employees:

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one employee at the home occupation site at any given time. As used in this section, the term “home occupation site” means the lot on which the home occupation is conducted;
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home; and
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs: Only one (1) unlighted wall or window sign shall be allowed and in no

case shall the sign exceed 3 square feet.

E. Vehicles, Parking and Traffic:

1. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site;
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10 p.m. to 7 a.m.; and
3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 10 p.m. only, subject to Sections A and E, above.

G. Prohibited Home Occupation Uses:

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, such as the following examples:
    a. Ambulance service;
    b. Animal hospital, veterinary services, kennels, or animal boarding;
    c. Auto and other vehicle repair, including auto painting; or
    d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.
4. Any business related to adult retail use establishments, adult bookstores, and adult entertainment establishments are prohibited.

H. Home Occupation Permit Approvals: Applicants shall complete and submit an application supplied by the City. The application shall be reviewed and processed by the Zoning Administrator for compliance with this section and the permit shall be either approved or denied based on the requirements of this section. If the permit is approved, the Zoning Administrator shall notify the applicant and the applicant shall pay the fee for Home Occupation Permits, as established in the adopted City Fee Schedule, and receive a copy of the approved permit.

I. Enforcement: The Zoning Administrator or his or her designee may visit and inspect the site of home occupations in accordance with this section to ensure compliance with all applicable

regulations. If a complaint or investigation request is received or if the Zoning Administrator believes a violation of the home occupation permit is occurring, such inspections will be conducted during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Article 10-1D - Enforcement.

J. Exemptions. The following activities are exempt from the home occupation permit requirements, but shall otherwise comply with the substantive requirements of this section; provided, however, a home occupation permit may be required if a complaint is received about the activity or if activities related to the occupation otherwise qualify for a home occupation:

1. Authors, composers, and writers.
2. After hours paperwork and similar activities performed by residents on evenings and weekends, who have a primary office elsewhere.
3. Tutoring, teaching, music lessons, or fine arts instruction for one student or pupil or conducted not more than one time per week,
4. Services or activities that are not performed at the residence, such as newspaper delivery, babysitting, lawn care and gardening, parties for the sale of items such as Tupperware, Mary Kay, etc., and similar services.
5. Activities similar to 1 - 4 above, as determined by the Zoning Administrator / designee.

10-4I-3 Special Use Permits

A. Purpose. The purpose of a special use permit is to allow a permit granted by the Hearing Examiner to locate a regional land use, not specifically allowed by the zoning code applicable to the location, but that provides a benefit to the community and is compatible with other uses in the zoning district in which it is proposed. The special use permit is granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

B. Application Submittal and Contents.

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

C. Permit Review Process. Applications for special uses shall be processed according to the procedures for Type II project permits, established in Article 10-4B.

D. Approval Criteria. A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, zoning district, or City;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety, and / or welfare of the community;

4. The proposed location shall not result in either a detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing or projected traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or adverse impacts can be mitigated;
7. Neither the location, size and height of buildings, structures, walls, and fences, nor any screening vegetation for the special use shall hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Code; and
9. The special use is not in conflict with the standards of the critical areas overlay.

E. Additional Conditions. In granting any special use permit, the Hearing Examiner may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this Code will not be violated.

F. Use of Property Before Final Decision. No business license or building permit shall be issued for any use involved in an application for approval for a special use permit until the special use permit is approved.

G. Special Use Permits – Effective Period.

1. A decision granting a special use permit shall become effective upon the date of such decision.
2. A special use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the special use permit unless:
    a. The applicant has received an extension of time for the special use permit subject to subsection H below; or
    b. The special use permit approval provides for a greater time period.

H. Extension of Time. The Zoning Administrator may extend a special use permit, not to exceed one year, if:

1. Unforeseen circumstances or conditions necessitate the extension of the permit; and
2. Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
3. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

I. Modification of Special Use Permit. The City may initiate a modification to an approved special use permit. A modification will be processed in the same manner as a new special use permit. Through the modification procedure, the Hearing Examiner may delete, modify, or impose additional conditions upon finding that the use for which the approval was granted has been

intensified, changed, or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

J. Special Use Permit to Run With the Land. A special use permit granted pursuant to the provisions of this Section shall continue to be valid upon a change of ownership of the site, business, service, use, or structure which was the subject of the permit application. No other use is allowed without approval of an additional special use permit.

K. Assurance Device. In appropriate circumstances, the City may require a reasonable performance of maintenance assurance device, in a form acceptable to the City attorney, to assure compliance with the provisions of this Code and the special use permit as approved.

L. Permit Suspension or Revocation. The City may suspend or revoke an approved special use permit only upon finding that:

1. The use for which the approval was granted has been abandoned for a period of at least one year; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of approval.

10-4I-4 Small Wireless Facility Permits

A. Applicability:

1. All small wireless communication facilities, as defined in §10-1C-B, that are located on public or private property shall be subject to the permitting requirements of this section.
2. The following uses are specifically excluded from the requirements of this section:
    a. Macro cell wireless communication antenna arrays and towers, which are regulated as conditional uses in certain zoning districts.
    b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small wireless facility.

B. Eligibility: Permit applications for small wireless communication facilities located in public right-of-way or on City-owned property shall only be accepted by the City from applicants/owners holding a valid Franchise Agreement with the City of Liberty Lake (as provided for in Liberty Lake Municipal Code §8-8) which expressly addresses small wireless facilities. Owners/ applicants holding a valid franchise agreement with the City of Liberty Lake that does not expressly address small wireless facilities within the right-of-way shall be required to secure an amended Franchise Agreement prior to submittal of permit applications for the deployment of small wireless facilities located within the right-of-way or on City property.

C. Application Requirements: Applicants shall apply for a small wireless permit using the small wireless permit application form prepared by the City, and submit the fee as stipulated in the required Franchise Agreement between the City of Liberty Lake and the applicant/owner, or in the case of small wireless facilities not located in public right-of-way or on City property, the fee

as established in the City of Liberty Lake fee schedule. The submittal shall also meet the following requirements:

1. The applicant shall provide a map identifying the geographic boundaries for the proposed small wireless deployment, indicating locations of all existing and proposed above ground equipment, below ground equipment, any trenching to connect to existing infrastructure and, to include the outline of the service area of the equipment proposed to be deployed.
2. The application shall provide specific locational information as specified within the small wireless permit application, and specify the proposed configuration, such as whether and where small wireless facilities are to be located on existing utility poles, including City-owned light poles, or will utilize replacement utility poles, new poles, towers, existing buildings and/or other structures. Conduit and/or ground-mounted equipment necessary and intended for use in the deployment shall also be specified. The additional facilities, structural analysis, and engineering calculations related to seismic, wind, and ice loading, as may be required, as well as dimensioned details of antenna and mounting hardware shall be provided by the applicant.
3. Visual renderings, including photo simulations, of the small wireless facilities shall also be required.
4. In the event that the siting location of any small wireless facility proposed is not the preferred siting location for the zone in which it is located (as detailed in City Development Code §10-2, Zoning District Regulations), a siting justification report shall be required to justify the need for the proposed facility location and design, consistent with the siting hierarchy established for that zone, and standards as established in City Development Code §10-3F-4.
5. The applicant may specify multiple sites in one small wireless permit application for processing, if all proposed small wireless facilities in a batch are subject to the same process type, utilize the same concealment technique, and are located on the same type of facility (such as the same light standard), and within either the public right-of-way or upon private property.
6. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit proof of a valid lease agreement from the City.
7. If the applicant proposes small wireless facilities located on or over the public right-of-way, the applicant shall submit a copy of a completed right-of-way application, including a traffic control plan for installation of any small wireless facilities located on or over the public right-of-way.
8. If the applicant proposes an element which is not exempt from SEPA review, as detailed in City Development Code §10-6A-3, the applicant shall submit a completed SEPA checklist.

9. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small wireless deployment, as proposed, will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If additional transmission facilities necessary to the small wireless facility, such as microwave backhaul, are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small wireless deployment included in the application, if the applicant is using the same small wireless facility configuration for all installations within that batch, or may submit one emissions report for each facility installation identified in the batch.
10. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

D. Complete Application: A complete application shall consist of the completed application form with all required information (as detailed in paragraph C of this section), a SEPA environmental checklist if the proposal is not categorically exempt from SEPA review, and the application fee.

E. Permit Review Process:

1. The department will process applications on a first-come, first-served basis.
2. Pre-application Conference. Prior to submitting an application for a small wireless permit, applicants are encouraged (but not required) to schedule and attend a pre-application conference with department staff to receive informal feedback on the proposed facility and application materials. The pre-application conference is intended to identify potential concerns and streamline the formal application review process after submittal.
3. Completeness Review – Time Frame. The department shall notify the applicant within 10 business days of receiving the application whether the application is complete.
    a. If the application is complete, the department shall process the application.
    b. If the application is incomplete, the department shall provide the applicant with a written statement listing the additional information that is needed to make the application complete, and the basis for requiring the submission of such information.
    c. The department may issue additional notices that an application is incomplete if any supplemental submittal does not contain all of the information requested by the department in the original notice of incompleteness. The department shall issue any such additional notices within 10 business days of receipt of the supplemental submittal.
    d. If the applicant does not supply a complete response within 120 days of the department's initial request, the department may grant an extension or deem the application expired. If so, a new complete application may be resubmitted, with new fee(s).

F. Action on Permit – Time Frame: The department's decision to grant, condition or deny the application shall be based on its determination of whether the proposed facility meets the requirements of §10-2, Zoning District Regulations; §10-3F-4, Design Standards for Small Wireless Communication Facilities; and the requirements of this Section. Unless another date is specified in writing between the city and the applicant, the department shall issue its final decision within the following time frames:

1. The department shall issue decision on the permit application within the following review periods:
    a. For collocation applications, the department shall issue its final decision within 60 days of receipt of the original application, subject to tolling, if applicable.
    b. For applications other than collocation, the department shall issue its final decision within 90 days of receipt of the original application, subject to tolling, if applicable.
    c. Tolling. The maximum time periods stated in paragraphs a and b of this subsection shall commence on the date of submission of the original application, whether or not complete; provided, that the running of the maximum time period shall be tolled upon timely issuance by the department of a notice that the application is incomplete. The maximum review period shall restart on the date that the applicant has provided the department with all of the information required for a complete application.

G. Right-of-way permit required: A right-of-way permit shall be required for any work occurring within the right-of-way that requires excavation, trenching, lane blockage, lane closure, flagging or re-routing of traffic during installation, deployment, or ordinary maintenance and repair activities, whether or not a Small wireless Communications Facility Permit is required. The right-of-way permit will require inspections prior to and upon completion of work, to verify that the site has been restored to its original condition and/or the approved restoration conditions as may be required by the right-of-way permit.

H. SEPA: Proposals that are not categorically exempt from SEPA review shall comply with SEPA, prior to and as a condition of permit issuance. When required, SEPA review shall be conducted in accordance with the procedures set forth in City Code §10-6A. SEPA review shall occur concurrently with the permit review process prescribed in this chapter.

I. Denial: If the permit application is denied, the reasons for the denial shall be stated in writing and supported by substantial evidence.

J. Suspension or Denial of Application for Lack of Compliance: The department may suspend review of or deny a complete application for a small wireless permit if the department has issued to the applicant a notice of violation related to any existing permitted facilities and the applicant has not corrected the deficiency within the reasonable deadline required in the notice of violation, as provided in City Code §10-1D.

K. Wireless Only Poles: Wireless only poles may be permitted on a limited basis, subject to siting criteria detailed in §10-2.

L. Annual Registration: All owners and providers with active small wireless facility permits within the City of Liberty Lake shall be required to file an annual registration application on a form provided the City, by January 31 of each calendar year.

1. The registration application will identify all active small wireless facilities within the provider's network within the City of Liberty Lake, identify any facilities that are no longer in active use, and will include evidence that the FCC permits for all of the applicant's active small wireless facilities within the City are current and in good standing. The applicant will provide an affidavit attesting that all small wireless facilities within the provider's network in the City of Liberty Lake, individually and collectively, are in good working order and compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which said facilities are operating. At the time of registration, the owners and providers will also provide update/current performance bonds and insurance, as required by their Franchise Agreement with the City of Liberty Lake.
2. If the Franchise Agreement expressly addressing small wireless facilities within the right-of-way is due to expire within the calendar year, the applicant will be required to submit an application for renewal of the Franchise Agreement, providing all required information, as detailed in Liberty Lake Municipal Code §8-8, and additionally, shall be required to submit an updated certification from a certified radio frequency engineer that all of the applicant's small wireless facilities within the provider's network in the City of Liberty Lake, individually and collectively, are compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which said facilities are operating.

M. Maintenance Requirements: The applicant shall maintain a permitted small wireless facility to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but not be limited to, maintenance of the paint, structural integrity, etc. Small wireless communication facilities that fall into a state of disrepair, exceed the FCC standards for RF emissions, have not been in active use for a period of six consecutive months, or have permits that have lapsed for a period of more than 90 days, shall be removed, at the expense of the owner. Failure for the owner to act within a reasonable notice period shall cause the City to contract for the removal of said facilities, with proceeds from required performance bond to cover the costs of said removal.

N. Ordinary Maintenance and Repair: For the purpose of this section, "ordinary maintenance and repair" shall mean inspections, testing and/or repair of small wireless communication facilities that maintain functional capacity, aesthetic and structural integrity of the facility and/or the associated support structure, pole or tower, which does not require damaging or disturbing any portion of the Public ROW. Ordinary maintenance or repair of an existing, permitted small wireless facility does not require notice to, or approval of, the City, excepting a Right-of Way permit, if the work necessitates a lane closure. Work that triggers the requirements of paragraph N of this subsection shall not be considered "ordinary maintenance or repair" for purposes of this section.

O. Material Changes to Permitted Small Wireless Facilities: A small wireless permit is required prior to making material changes to permitted small wireless facilities. For the purpose of this section, "Material change" shall be defined as:

1. Replacing transmission equipment at a permitted small wireless facility that increases the overall volume or height or general appearance of the small wireless facility; or,
2. Adding new transmission equipment to a permitted small wireless facility.

P. Replacement and removal of transmission equipment: A permittee may replace or remove transmission equipment used at a permitted small wireless facility without obtaining a small wireless permit, consistent with paragraph M of this subsection, when:

1. Such replacement equipment is the same or smaller in size than the previously permitted equipment that is being replaced; and,
2. The overall height of the facility (measured from the ground to the top of the highest component of the facility) is not increased.

10-4I-5 Community Event Permits

A. Purpose and Intent

1. The purpose of this section is to support and encourage the safe and orderly execution of community events while recognizing the impact these events have on the availability of City services. These permits aim to facilitate the planning, coordination, and management of events that are of a temporary nature and have the potential to impact public spaces, infrastructure, and the well-being of residents.

2. The community event permit process serves several essential objectives:

    a. Public Safety: Community Event permits establish guidelines and requirements to protect the safety and security of attendees, participants, and the general public. They enable event organizers to implement necessary safety measures, such as crowd control, emergency preparedness, and traffic management, to mitigate risks and potential hazards associated with large gatherings.

    b. Resource Management: By reviewing and issuing community event permits, the City can ensure efficient allocation and management of public resources. These resources may include public spaces, parking facilities, emergency response, and other municipal services necessary to support the event. The permit process helps prevent conflicts and overlapping of events, allowing optimal utilization of available resources.

    c. Preservation of Public Order: Community Event permits help maintain public order and minimize disruption to the daily life of residents. Setting guidelines for event duration, noise levels, parking restrictions, and other relevant factors, ensure that events do not unduly interfere with the rights and comfort of the local community. It seeks to strike a balance between facilitating vibrant and diverse events and preserving the quality of life for all residents.

B. Permit Required

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

C. Permit Exceptions

1. The following activities are exempt from the requirement to obtain a community event permit, although such activities must still comply with all other applicable laws:

    a. A funeral or wedding procession;

    b. Dances or other social events conducted by schools or churches on their property or similar events held in buildings designed to accommodate such events;

    c. Individual garage or rummage sales on private property;

    d. Recreational activities or gatherings at a City park that are otherwise regulated by the City's park rental and use policies;

    e. Events sponsored by a homeowner's association, hosted on HOA property, and not expected to draw more than 100 people;

    f. Activities conducted by a governmental agency acting within the scope of its authority; and

    g. Lawful picketing on sidewalks.

D. Insurance Required for Community Event Permits

1. The applicant shall provide the City with a declaration page demonstrating proof of insurance in the types and amounts established by the City's insurance carrier. Evidence of insurance shall be filed with the application and shall name the City of Liberty Lake as an additional named insured. Depending upon the nature of the community event and its risk to the public and private individuals, the City Administrator or designee may increase or reduce the liability limits for a given event after consultation with the City's insurance carrier.

2. The applicant shall defend, indemnify, and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the applicant's event, or from any activity, work or thing done, permitted, or suffered by applicant which arises from the applicant's event, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

E. Traffic Control

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

F. Application Submittal and Contents

1. Completed Community Event Application and all associated fees

2. Site Map Showing:

    a. North arrow

b. Property boundaries and dimensions

c. Width & name of adjacent streets

d. Dimensions and locations of on-premises signage

e. Existing buildings

f. Dimensions and location of all temporary buildings (including tents)

g. Restrooms

h. Trash receptacles

i. Event layout showing locations of booths, food, rides, displays, etc.

j. Exit locations

k. Fire extinguishers

l. Parking spaces and driveways

m. Fences (temporary or permanent)

n. Bleachers or stage

o. Temporary lighting

p. Temporary heaters, grills, fire pits, or other heat sources

q. Proposed route (parades, marathons, walks, etc.)

3. Traffic Control Plan (if utilizing streets, sidewalks, or bike lanes)

4. Certificate of Liability Insurance

5. Map showing the dimensions, location, and dates of display of all off-premises signage

6. Banquet Permit issued by the Washington State Liquor and Cannabis Board (if serving alcohol)

7. Temporary Food Establishment or Food & Beverage Worker Permit issued by the Spokane Regional Health District (if serving food that is not pre-packaged)

8. List of all participating vendors or food trucks.

G. Permit Review Process

1. The City will process applications on a first-come, first-served basis. Applications shall be submitted no later than 45 days prior to the scheduled event.

2. Applications shall be reviewed for completeness and then distributed to the appropriate staff and agencies for review as applicable. The reviewing authorities include but are not limited to:

a. Liberty Lake Planning, Engineering, and Building Department

b. Liberty Lake Parks & Recreation Department

c. Liberty Lake Police Department

d. Liberty Lake Streets and Operations Department
e. Spokane Valley Fire Department
f. Spokane Transit Authority
g. Central Valley School District

3. Using the Exempt project procedure under Article 10-4B, the Director or designee shall approve, approve with conditions, or deny a community event permit based on the criteria listed in 10-4I-5(H) and 10-4I-5(I) below.

H. Approval Criteria - The Director or designee shall approve or approve with conditions a community event permit based on a finding that all of the following criteria have been satisfied:

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

I. Denial Criteria - The City may deny an application for a community event permit if in the sole

discretion of the Director or designee:

1. The permit application was submitted less than forty-five (45) days prior to the event;
2. The applicant has failed to remit all fees, documents, or proof of insurance;
3. The applicant has provided false or misleading information;
4. The applicant has refused to agree, to abide, or comply with all of the conditions and terms of the permit;
5. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;
6. The event would substantially interfere with the provision of City services or governmental functions;
7. The size or nature of the event would require supervision by a significant number of police officers, such that it would result in unreasonable expense or diversion of police duties;
8. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities;
9. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public;
10. There are not sufficient safety personnel or other necessary City staff to accommodate the event;
11. The applicant has failed to conduct a previously authorized community event in accordance with law or the terms of a permit, or both;
12. The police department or City Engineer has failed to approve the permit due to traffic or other safety concerns; or
13. The applicant has failed to provide sufficient safety, health or sanitation equipment, services, or facilities.

J. Permit Conditions - The City Administrator or designee may condition the issuance of a community event permit by imposing reasonable requirements concerning time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not limited to the following:

1. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.
2. Conditions concerning the area of assembly and disbanding of an event along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.
4. Requirements for the use of traffic cones or barricades.
5. Requirements for the provision of first aid and sanitary facilities.
6. Requirements for the provision of fire, police, emergency medical protection, and parks and public works crews for maintenance and cleanup, if necessary.

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

K. Permit Revocation

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

L. Appeals

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

M. Fees, Waivers, and Cleanup Deposits

1. No fee shall be imposed when an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if

part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.

2. There shall be a nonrefundable fee paid by the sponsor(s) at the time of application for each community event (or approved series of not-for-profit community events) as reflected in the City's fee schedule.

3. Upon approval of an application for a permit for a community event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the City Administrator or designee shall provide the applicant with an estimated cost of providing City personnel and equipment prior to permit issuance. The applicant must sign off on the anticipated charges. Actual costs will be billed to the applicant after the event. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required City services, including the cost of operating the equipment to provide such services.

4. The applicant of an event, not protected under the First and Fourteenth Amendments of the U.S. Constitution, involving the sale of food or beverages for immediate consumption, erection of structures, horses or other animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide a cleanup deposit prior to the issuance of a community event permit.

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

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

N. Violation - Penalty:

1. It shall be unlawful for any person to operate or conduct a community event requiring a community event permit pursuant to this ordinance unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the organizer/operator of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

2. The community event permit authorizes the permittee to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.

3. Violations of this chapter shall constitute a Class 1 civil infraction.

Article 10-4J — Zoning District Map & Text Amendments

Sections:

10-4J-1 **Purpose**

10-4J-2 **Legislative Amendments**

10-4J-3 **Quasi-Judicial Amendments**

10-4J-4 **Conditions of Approval**

10-4J-5 **Record of Amendments**

10-4J-6 **Transportation Planning Rule Compliance**

10-4J-1 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi- judicial amendments to this Code and the zoning district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

10-4J-2 Legislative Amendments

Legislative amendments are policy decisions made by City Council, after receiving a recommendation from the Planning Commission. They are reviewed using the Type IV procedure in Article 10-4B and the amendment process must follow the adopted GMA Public Participation Program Handbook, in addition, they shall conform to Section 10-4J-6, as applicable.

10-4J-3 Quasi-Judicial Amendments

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi- judicial map amendments, also known as property rezones, shall follow the Type II project procedure, as governed by Article 10-4B, using standards of approval in Subsection "D" below. The approval authority shall be as follows:

1. The Planning Commission shall review and comment on zoning district map changes prior to the Technical Review meeting for the project, and their comments shall be added to the staff report prepared for the Hearing Examiner. The Hearing Examiner's decision shall be a recommendation to the City Council who shall decide such applications;
2. If the Comprehensive Plan land use map needs to be updated to match a property rezone, the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment, which is a Type IV process, and would be reviewed during the yearly amendment process, unless the amendment is declared an emergency. The City Council shall decide such applications; and

3. Property rezones and Comprehensive Plan land use map amendments should be conducted concurrently during the yearly amendment process to keep consistency between zoning districts and land use categories, and the amendment process must follow the adopted GMA Public Participation Program Handbook.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances; and
3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning district map regarding the property which is the subject of the application, and the provisions of Section 10-4J-6, as applicable.

10-4J-4 Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

10-4J-5 Record of Amendments

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

10-4J-6 Transportation Planning Rule Compliance

A. When a development application includes a proposed Comprehensive Plan amendment or zoning district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. A significant affect would do one or more of the following:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Comprehensive Plan and Transportation Improvement Plan;
2. Change the standards implementing a functional classification system;
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
4. Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan and Transportation Improvement Plan.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Comprehensive Plan and Transportation Improvement Plan (also see Section 10-4A-2 Concurrency). This shall be accomplished by one of the following remedies:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
2. Amending the Comprehensive Plan and Transportation Improvement Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

CHAPTER 5
EXCEPTIONS TO CODE STANDARDS

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Article 10-5A — Introduction

Sections:

10-5A-1 **Purpose**

10-5A-1 Purpose

This Article provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development 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. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.

Article 10-5B — Variances

Sections:

10-5B-1 **Purpose**

10-5B-2 **Class A Variance**

10-5B-3 **Class B Variance**

10-5B-4 **Variance Application and Appeals**

10-5B-1 Purpose

The purpose of this Article is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the intent of each development standard is met. 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.

10-5B-2 Class A Variance

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

1. Front yard setbacks - up to a 10 percent change to the front yard setback standard in the zoning district.
2. Interior setbacks - up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the zoning district.
3. Lot coverage - up to 10 percent increase of the maximum lot coverage required in the zoning district.
4. Landscape area - up to 10 percent reduction in landscape area (overall area or interior parking lot landscape area).
5. Variance to minimum housing density standard (Chapter 2) - The Zoning Administrator may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. “Physical constraint” means steep topography, critical areas (Chapter 6), unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.
6. Variance to Vehicular Access and Circulation Standards (Article 10-3B) - Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If

shared access in conjunction with another parcel is not feasible, the Zoning Administrator may grant a variance to the access requirements after finding the following:

a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;

b. There are no other alternative access points on the street in question or from another street;

c. The access separation requirements cannot be met;

d. The request is the minimum adjustment required to provide adequate access;

e. The approved access or access approved with conditions will result in a safe access; and

f. The visual clearance requirements will be met.

7. Variances to Street Tree Requirements (Article 10-3C) - The Zoning Administrator may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Article 10-3C, after finding the following:

a. Installation of the tree would interfere with existing utility lines;

b. The tree would cause visual clearance problems; or

c. There is not adequate space in which to plant a street tree; and

d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).

8. Variance to Parking Standards (Article 10-3D) - The Zoning Administrator may approve variances to the minimum or maximum standards for off-street parking in Article 10-3D upon finding the following:

a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;

b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

c. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.

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

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

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

B. Class A Variance Approval Criteria. A Class A Variance shall be granted if the applicant demonstrates compliance with the requirements of each variance listed above and all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;

2. The variance does not result in the removal of significant vegetation, and/or results in preserving a tree or trees on the site or avoiding wetland impacts, if trees or wetlands are present in the development area;
3. The variance will not result in violation(s) of Chapter 3, or other design standards.

10-5B-3 Class B Variance

A. Class B Variances. Class B variances shall be reviewed using a Type II Project procedure, in accordance with Article 10-4B.

1. Class B variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable zoning district would create a hardship to development which is peculiar to the lot size or shape, topography, critical areas (Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district); except that no variances to "permitted uses" shall be granted.
2. Applicability.
    a. The variance standards are intended to apply to individual platted and recorded lots only.
    b. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class B variance procedure.
    c. A variance shall not be approved which would vary the "permitted uses" of a zoning district (Chapter 2).

B. Approvals Process and Criteria.

1. Class B variances shall be processed using a Type II Project procedure, in accordance with Article 10-4B, using the approval criteria in subsection 2, below. In addition to the requirements contained in Article 10-4B, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.
2. The City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:
    a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
    b. A hardship to development exists which is peculiar to the lot size or shape, topography, critical areas (Chapter 6), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
    c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
    d. Existing physical and natural systems, such as but not limited to traffic, drainage,

natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

e. The hardship is not self-imposed; and

f. The variance requested is the minimum variance which would alleviate the hardship.

10-5B-4 Variance Application and Appeals (Class A or Class B)

The variance application shall conform to the requirements for Exempt or Type II applications (Article 10-4B), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Article 10-4B.

Article 10-5C — Non-Conforming Uses and Development

Sections:

10-5C-1 **Non-Conforming Uses**

10-5C-2 **Non-conforming Development**

10-5C-3 **Non-Conforming Lots**

10-5C-4 **Appeals**

10-5C-1 Non-Conforming Uses

Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

A. Expansion Prohibited. No such nonconforming use is enlarged, increased, or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building, or sign shall be constructed on the lot in connection with such nonconforming use of land;

B. Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;

C. Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;
2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the zoning district in which such land is located, Chapter 3, and other applicable portions of this Code.

E. A business that is a non-conforming use may transfer ownership and keep its non- conforming status as long as the provisions above are met.

F. Non-conforming land use may be replaced by a conforming land use. When land use is brought into compliance with the current code, it may not thereafter revert to or resume a non- conforming land use, except where land has been developed and the land use resumes its specific previous

use and does not expand on its non-conformity.

10-5C-2 Non-Conforming Development

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

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

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

C. Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code. Nonconforming signage removed for building or signage structure maintenance may be replaced after the maintenance has been completed provided no changes have been made that would increase the nonconformity of the signage.

D. Conforming uses may continue to operate in a non-conforming structure as long as the provisions above are met.

E. Nothing in this section shall prevent the full restoration by reconstruction of a structure which is either listed on the National Register of Historic Places, the Washington State Register of Historic Places, the Washington State Cultural Resource Inventory, the Washington State Historic Barn Registry, the City of Liberty Lake Cultural and Historical Heritage/Resources, or an equivalent Register of Historic Places, or is listed in a council-approved historical survey meeting the standards of the State Department of Archaeology and Historic Preservation.

> "Restoration" means reconstruction of the historic or culturally significant structure with as nearly the same visual design appearance and materials as is consistent with full compliance with the State Building Code. The reconstruction of all such historic or culturally significant structures shall comply with the life safety provisions of the State Building Code.

10-5C-3 Non-Conforming Lots

A. A nonconforming lot is one which met applicable zoning ordinance standards as to size, width, depth and other dimensional regulations at the date on which it was created but which, due to the passage of a zoning ordinance, the amendment thereof, or the annexation of property to the city, no longer conforms to the current provisions of the Development Code. A lot which was not legally created in accordance with the laws of the local governmental entity in which it was located at the date of the creation is an illegal lot and will not be recognized for development.

B. Legally created lots that do not conform to the current codes are considered nonconforming lots of record and are legally buildable except as provided below:

1. To be legally buildable, a lot must be in compliance with the rules and regulations of the health district. Where there is a conflict between the provisions of this section and those rules of the health district, the more restrictive rules shall apply.
2. A structure on a nonconforming lot of record must meet Development Code requirements for the zone in which the property is located; with the exception of minimum density standards. Where it is determined that implementation of the current code is impractical, the applicability of the code requirements shall be determined by the Zoning Administrator or designee.
3. A lot line adjustment shall be required prior to issuance of a building permit when a nonconforming and conforming lot are abutting each other and under common ownership, and a lot line adjustment will result in both legal lots being in conformance with area, building setbacks, critical area regulations, and other applicable Development Code requirements.
4. Where two or more abutting nonconforming lots of record are under common ownership and they are aggregated into one lot. For that single aggregated lot to be subdivided, all lots created shall conform to Development Code requirements.

10-5C-4 Appeals

Decisions on Non-Conforming Uses and Development can be appealable in the same manner as an Administrative Interpretation.

CHAPTER 6
ENVIRONMENT

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Article 10-6A — Environmental Ordinance

Sections:

10-6A-1 **Authority**

10-6A-2 **General Requirements**

10-6A-3 **Categorical Exemptions and Threshold Determinations**

10-6A-4 **Environmental Impact Statement (EIS)**

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10-6A-10 **Agency Compliance**

10-6A-11 **SEPA Exemption Levels Matrix & Summary of SEPA Process**

10-6A-12 **Forms**

10-6A-1 Authority

The City of Liberty Lake adopts this ordinance under the State Environmental Policy Act (SEPA), section 43.21C.120 RCW, and the SEPA rules, section 197-11-904 WAC.

This ordinance contains the City of Liberty Lake's SEPA procedures and policies.

The intent of this ordinance is to support uniform environmental review requirements between the City of Liberty Lake, Spokane County, Spokane Regional Health District, and Spokane County Air Pollution Control Authority.

The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this ordinance.

10-6A-2 General Requirements

A. Purpose. This section contains the basic requirements that apply to the SEPA process. The City of Liberty Lake adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

WAC:

197-11-040 DEFINITIONS

197-11-050 LEAD AGENCY

197-11-055 TIMING OF THE SEPA PROCESS

197-11-060 CONTENT OF ENVIRONMENTAL REVIEW

197-11-070 LIMITATIONS ON ACTIONS DURING SEPA PROCESS

197-11-080 INCOMPLETE OR UNAVAILABLE INFORMATION

197-11-090 SUPPORTING DOCUMENTS

197-11-100 INFORMATION REQUIRED OF APPLICANTS

197-11-158 GMA PROJECT REVIEW—RELIANCE ON EXISTING PLANS, LAWS, AND REGULATIONS

197-11-210 SEPA/GMA INTEGRATION

197-11-220 SEPA/GMA DEFINITIONS

197-11-228 OVERALL SEPA/GMA INTEGRATION PROCEDURES

197-11-230 TIMING OF AN INTEGRATED GMA/SEPA PROCESS

197-11-232 SEPA/GMA INTEGRATION PROCEDURES FOR PRELIMINARY PLANNING, ENVIRONMENTAL ANALYSIS, AND EXPANDED SCOPING

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197-11-256 PRELIMINARY EVALUATION

197-11-259 DETERMINATION OF NONSIGNIFICANCE FOR MTCA REMEDIAL ACTIONS

197-11-262 DETERMINATION OF SIGNIFICANCE AND EIS FOR MTCA REMEDIAL ACTIONS

197-11-265 EARLY SCOPING FOR MTCA REMEDIAL ACTIONS

197-11-268 MTCA INTERIM ACTIONS

B. Designation of Responsible Official.

1. For public proposals, the head (administrative official) of the department making the proposal shall be the responsible official. For private proposals, the head administrative official) of the department with primary responsibility for approving the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.
2. For all proposals for which the City of Liberty Lake is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that are adopted by reference in Section 10-6A-2, subsection "A" above.
3. The City of Liberty Lake shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

C. Lead Agency Determination and Agency Responsibilities.

1. The department within the City of Liberty Lake receiving an application for or initiating a

proposal that involves a nonexempt action shall determine the lead agency for that proposal under sections 197-11-050, 197-11-253, and 197-11-922 through 197-11- 940 WAC unless the lead agency has been previously determined, or the department is aware that another department or agency is in the process of determining the lead agency.

2. When the City of Liberty Lake is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

3. When the City of Liberty Lake is not the lead agency for a proposal, all departments of the City of Liberty Lake shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City of Liberty Lake department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency unless required under section 197-11-600 WAC. In some cases, the City of Liberty Lake may conduct supplemental environmental review under section 197-11-600 WAC.

4. If the City of Liberty Lake or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of section 197-11-253, or sections 197-11-922 through 197-11-940 WAC, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination or the City of Liberty Lake must petition the Department of Ecology for a lead agency determination under section 197-11-946 WAC within the fifteen (15) day time period. Any such petition on behalf of the City of Liberty Lake may be initiated by the potential responsible official.

5. Departments of the City of Liberty Lake are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under sections 197-11-942 and 197-11-944 WAC, provided that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

6. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is, which agencies require nonexempt licenses).

D. Other Timing and Additional Considerations Applicable to the SEPA Process.

1. The following time limits shall apply when there is no established agency procedure.

    a. Threshold determinations - When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

        i. The responsible official should request such further information within seven (7) days of receiving an adequate application and completed environmental checklist;

        ii. The responsible official shall wait no longer than fourteen (14) days for a consulted agency to respond;

        iii. The responsible official should complete the threshold determination within seven (7) days of receiving the requested information from the applicant or the consulted agency.

    b. When the responsible official must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the responsible official should complete the studies within thirty (30) days of receiving an adequate application and a completed checklist.

c. The responsible official shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared within seven (7) days.

2. For nonexempt proposals, the DNS or Final Environmental Impact Statement (FEIS) for the proposal shall accompany the department's staff recommendation to any advisory or final action body.

3. If the only action is a decision on a building permit or other license that requires detailed project plans and specifications, the City of Liberty Lake may provide the applicant with the opportunity for environmental review under SEPA before requiring the applicant to submit such detailed project plans and specifications, however, generally the City utilizes a consolidated project permit process.

   a. The City of Liberty Lake may specify the amount of detail needed from the applicant for such early environmental review, consistent with sections 197-11- 100 and 197-11-335 WAC.

   b. This subsection does not preclude an applicant from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

10-6A-3 Categorical Exemptions and Threshold Determinations

A. Purpose and Adoption By Reference. This section contains the rules for deciding whether a proposal has a "probable significant adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The City of Liberty Lake adopts the following sections by reference, as supplemented in this section.

WAC:

197-11-300 PURPOSE OF THIS PART

197-11-305 CATEGORICAL EXEMPTIONS

197-11-310 THRESHOLD DETERMINATION REQUIRED

197-11-315 ENVIRONMENTAL CHECKLIST

197-11-330 THRESHOLD DETERMINATION PROCESS

197-11-335 ADDITIONAL INFORMATION

197-11-340 DETERMINATION OF NONSIGNIFICANCE (DNS)

197-11-350 MITIGATED DNS

197-11-355 OPTIONAL DNS PROCESS

197-11-360 DETERMINATION OF SIGNIFICANCE (DS)/INITIATION OF SCOPING

197-11-390 EFFECT OF THRESHOLD DETERMINATION

B. Flexible Thresholds for Categorical Exemptions. In addition to those exemptions identified in Section 10-6A-9 (Categorical Exemptions), the City of Liberty Lake establishes the following exempt levels for minor new construction under section 197-11-800(1)(c) WAC, based on local conditions.

1. For residential dwelling units in section 197-11-800(1)(b)(i) WAC: up to 20 dwelling units.

2. For agricultural structures in section 197-11-800(1)(b)(ii) WAC: up to 20,000 square feet.
3. For office, school, commercial, recreational, service, or storage buildings in section 197-11-800(1)(b)(iii) WAC: up to 12,000 square feet and up to 40 parking spaces.
4. For parking lots in section 197-11-800(1)(b)(iv) WAC: up to 40 parking spaces.
5. For landfills and excavations in section 197-11-800(1)(b)(v) WAC: up to 500 cubic yards.

C. Categorical Exemptions - Applicability.

1. If a proposal fits within any of the provisions in Section 10-6A-9 (Categorical Exemptions) and this section, the proposal shall be categorically exempt from the threshold determination requirements (section 197-11-720 WAC), except when the proposal is a segment of a proposal that includes:
    a. a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or
    b. a series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the department of ecology to resolve disputes (section 197-11-946 WAC).

   For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, provided the requirements of section 197-11-070 WAC are met. See Section 10-6A-11 for an informational matrix of exempt and nonexempt activities.
2. The lead agency is not required to document that a proposal is categorically exempt. The lead agency may note on an application that a proposal is categorically exempt or place such a determination in the agency's files.

D. Use of Exemptions.

1. Each department within the City of Liberty Lake that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this section applies to the proposal. The City of Liberty Lake shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (section 197-11-060 WAC). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the City of Liberty Lake may authorize exempt actions prior to compliance with the procedural requirements of this section, except that the City of Liberty Lake shall not authorize:
    a. any nonexempt action;
    b. any action that would limit the choice of alternatives for environmental review;

c. any action that would have a probable significant adverse environmental impact.

4. A responsible official may withhold approval of an exempt action that would modify the environment, when such modification would result in a probable significant adverse impact or would limit the choice of alternatives for environmental review.

5. A responsible official may withhold approval of an exempt action that would lead to an applicant making substantial financial expenditures when there is some doubt that the entire proposal (i.e. subdivision) may not be approved.

E. Environmental Checklist.

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

2. For private proposals, the City of Liberty Lake will require the applicant to complete the environmental checklist. For public proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

3. The City of Liberty Lake may require that City staff, and not the private applicant, complete all, or part of, the environmental checklist for a private proposal if the applicant has provided inaccurate information on previous proposals or on proposals currently under consideration, or if the City of Liberty Lake has technical information on a question or questions that is unavailable to the private applicant. The applicant shall reimburse the City of Liberty Lake for time and effort so expended.

4. During the review of the environmental checklist, the staff of the City of Liberty Lake may make such changes or additions to the environmental checklist as are necessary to make it an accurate statement. Alternatively, the staff may return the checklist to the applicant for revisions and/or additional information.

5. For projects submitted under an approved planned action under section 197-11-168 WAC, the City of Liberty Lake shall use its existing environmental checklist form or may modify the environmental checklist form as provided in section 197-11-315 WAC. The modified environmental checklist form may be prepared and adopted along with, or as part of, a planned action ordinance, or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty (30) days review prior to use.

F. Mitigated Determination of Nonsignificance (DNS).

1. As provided in this section and in section 197-11-350 WAC, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to or clarification of, the proposal made by the applicant.

2. An applicant may request in writing early notice of whether a DS is likely under section 197-11-350 WAC. The request must:

a. follow submission of a complete permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

b. precede the agency's actual threshold determination for the proposal.

3. The responsible official or a designee shall respond in writing to the request for early notice within fourteen (14) days unless otherwise agreed to. Response must:
    a. state whether the City of Liberty Lake currently considers issuance of a DS likely, and if so, indicate the general or specific area(s) of concern leading the City of Liberty Lake to consider a DS; and
    b. state that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
4. As much as possible, the lead agency should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
5. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the responsible official shall base the threshold determination on the changed or clarified proposal and should make the determination within fourteen (14) days of receiving the changed or clarified proposal unless otherwise established by agency procedures.
    a. If the responsible official indicated specific mitigation measures in the response to the request for early notice and the applicant changed or clarified the proposal to include those specific mitigation measures, the responsible official shall issue and circulate a DNS pursuant to section 197-11-340(2) WAC.
    b. If the responsible official indicated areas of concern but did not indicate specific mitigation measures that would allow the issuance of a DNS, the responsible official shall make the threshold determination, issuing a DNS or DS as appropriate.
    c. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y-location" are adequate.
    d. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.
6. A mitigated DNS is issued either under section 197-11-340(2) WAC requiring a fourteen (14) day comment period unless otherwise established by agency procedure and public notice pursuant to Section 10-6A-5, subsection "B", or under section 197- 11-355 WAC, which may require no additional comment period beyond the comment period on the notice of application.
7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the City of Liberty Lake.
8. If the City of Liberty Lake’s tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City of Liberty Lake should evaluate the threshold determination to assure consistency with section 197-11-340(3)(a) WAC (withdrawal of DNS).
9. The City of Liberty Lake’s written response under this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the City of Liberty Lake to consider the clarifications or changes in its threshold determination.

10-6A-4 Environmental Impact Statement (EIS)

A. Purpose and Adoption By Reference. This section contains the rules for preparing environmental impact statements. The City of Liberty Lake adopts the following sections by reference, as supplemented by this section:

WAC:

197-11-400 PURPOSE OF EIS

197-11-402 GENERAL REQUIREMENTS

197-11-405 EIS TIMING

197-11-408 SCOPING

197-11-410 EXPANDING SCOPING

197-11-420 EIS PREPARATION

197-11-425 STYLE AND SIZE

197-11-430 FORMAT

197-11-435 COVER LETTER OR MEMO

197-11-440 EIS CONTENTS

197-11-442 CONTENTS OF EIS ON NONPROJECT PROPOSALS

197-11-443 EIS CONTENTS WHEN PRIOR NONPROJECT EIS

197-11-444 ELEMENTS OF THE ENVIRONMENT

197-11-448 RELATIONSHIP OF EIS TO OTHER CONSIDERATIONS

197-11-450 COST/BENEFIT ANALYSIS

197-11-455 ISSUANCE OF DEIS

197-11-460 ISSUANCE OF FEIS

B. Preparation of EIS – Additional Consideration.

1. Preparation of the Draft and Final EIS (DEIS and FEIS) and a Draft and Final Supplemental EIS (SEIS) is the responsibility of the lead agency under the direction of the responsible official. No matter who participates in the preparation of the EIS, it is the EIS of the City of Liberty Lake. The responsible official shall be satisfied that the EIS complies with the provisions of this section and Chapter 197-11 WAC before issuing the EIS.
2. The DEIS and FEIS or draft and final SEIS shall be prepared by the City of Liberty Lake staff, the applicant, or its agent, or by an outside consultant retained by either an applicant or the lead agency.
    a. For public projects, the responsible official shall determine when an outside consultant should prepare the EIS based on available staff, expertise, resources, and public interest to adequately assess and evaluate the impacts of the projects.
    b. For projects initiated by a private applicant, the preparation of an EIS shall be under the direction of the responsible official. The responsible official shall notify the applicant of the procedures for an EIS preparation, including approval of the DEIS, FEIS, and SEIS prior to distribution. All costs of preparing the EIS shall be borne by the applicant.

3. If a person other than the lead agency is preparing the EIS, the responsible official shall:
    a. assure that the EIS is prepared in a responsible manner and with appropriate methodology;
    b. be responsible for scoping and preparation of a scoping report pursuant to section 197-11-408 WAC (the responsible official may include consultants in the scoping process);
    c. coordinate any areas of research and examination to be undertaken, as well as the organization of the resulting document;
    d. meet with the persons preparing the EIS and review draft sections of the EIS to assure the completeness, accuracy, and objectivity of the EIS;
    e. allow any person preparing an EIS access to all relevant public records of the lead agency, pursuant to Chapter 42.17 RCW (Public Disclosure and Public Records Law);
    f. assist in obtaining any information on file with another agency that is needed by the person preparing the EIS.
4. The lead agency may require an applicant to provide information the lead agency does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this ordinance or that is being requested from another agency. (This does not apply to information the lead agency may request under another ordinance or statute.)
5. Any person, firm, or corporation assisting in the preparation of an EIS for private projects shall have expertise and experience in preparing environmental impact statements and shall be approved in writing by the responsible official before participating in the EIS process. The lead agency may create and maintain an EIS list of Qualified Consultants to assist in determining the expertise and experience of consultants using, but not limited to, the following procedures.
    a. Annually or biannually placing a legal notice in the City's official newspaper requesting Statement of Qualifications (SOQ). Interested consultants will be required to submit an application package for consideration to be placed on the list.
    b. The City of Liberty Lake will review the SOQs and place those consultant firms who are determined to meet the minimum qualifications on the list. Those qualifications include, but are not limited to:
        i. possessing a thorough and comprehensive knowledge of the procedural and substantive requirements of SEPA and related regulations;
        ii. possessing adequate technical and administrative capacity to produce EIS documents and/or associated technical documents;
6. The private applicant shall compensate the lead agency for its administrative costs incurred with the development, production, and processing of the EIS, in accordance with the adopted City Fee Schedule.

C. Additional Elements To Be Covered In An EIS.

1. The table of contents shall include the list of elements of the environment (section 197-11-444 WAC), indicating those elements or portions of elements that do not involve significant adverse impacts (reference section 197-11-440[3][b] WAC).
2. The lead agency may include, at its discretion, in an EIS or its appendix, the analysis of any impact relevant to the agency's decision, whether or not the impact is an environmental one.

The inclusion of such analysis may or may not be based upon comments received during the scoping process. The provision for combining documents may be used (section 197-11-640 WAC). The EIS shall comply with the format requirements of sections 197-11-400 through 197-11-500 WAC. The decision whether to include such information and the adequacy of any such additional analysis shall not be used in determining whether an EIS meets the requirements of SEPA.

3. If the lead agency chooses to include a cost/benefit analysis in an EIS, such analysis shall be consistent with section 197-11-450 WAC.

10-6A-5 Commenting

A. Adoption By Reference. This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The City of Liberty Lake adopts the following sections by reference, as supplemented in this section.

WAC:

197-11-500 PURPOSE OF THIS PART

197-11-502 INVITING COMMENT

197-11-504 AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS

197-11-508 SEPA REGISTER

197-11-510 PUBLIC NOTICE

197-11-535 PUBLIC HEARINGS AND MEETINGS

197-11-545 EFFECT OF NO COMMENT

197-11-550 SPECIFICITY OF COMMENTS

197-11-560 FEIS RESPONSE TO COMMENTS

197-11-570 CONSULTED AGENCY COSTS TO ASSIST LEAD AGENCY

B. Public Notice.

1. Whenever possible, the lead agency shall integrate the public notice requirement of this section with existing notice procedures for the lead agency's nonexempt permit(s) or approval(s) required for the proposal.
2. Whenever the Spokane Regional Health District or the Spokane County Air Pollution Control Authority issues a DNS under section 197-11-340(2) WAC or a DS under section 197-11-360(3) WAC, public notice shall be given by publishing notice in a newspaper of general circulation in the city or general area where the proposal is located.
3. Whenever the City of Liberty Lake issues a DNS under section 197-11-340(2) WAC or a DS under section 197-11-360(3) WAC, public notice shall be given as follows.
    a. If public notice is required for a nonexempt license by other regulations, that notice shall state whether a DS or DNS has been issued and when comments are due.
    b. If an environmental document is issued concurrently with the Notice of Application, the public notice requirements as set forth in Article 10-4B of this Code will suffice to meet the public notice requirements in section 197-11- 510(1) WAC.

c. If no public notice is otherwise required for the permit or approval, the lead agency shall give notice of the DNS or DS as provided for in section 197-11- 510 WAC and locally adopted rules and regulations.

d. If a DS is issued under section 197-11-360(3) WAC, the lead agency shall state the scoping procedure for the proposal in the DS, as required pursuant to section 197-11-408 WAC.

4. If a DNS is issued using the Optional DNS process, the public notice requirements for a notice of application as set forth in Article 10-4B of this Code, as supplemented by the requirements in section 197-11-355 WAC, will suffice to meet the public notice requirements in section 197-11-510(1)(b) WAC.

5. Whenever the lead agency issues a DEIS under section 197-11-455(5) WAC or an SEIS under section 197-11-620 WAC, notice of the availability of these documents shall be given by the following:

   a. Indicating the availability of the DEIS in any public notice required for the nonexempt license subsequently published after the issuance of the DEIS and prior to the first public hearing regarding a nonexempt license.

   b. Selecting one or more of the following notification methods.

      i. Posting the property for site specific proposals pursuant to the administrative procedures for the underlying action.

      ii. Publishing a legal notice in a newspaper of general circulation in the city or general area where the proposal is located.

      iii. Notifying of public or private groups, which have expressed an interest in a certain proposal, or in the type of proposal being considered.

      iv. Notifying the news media.

      v. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals.

      vi. Publishing notice in the City of Liberty Lake newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas).

6. The lead agency may require an applicant to complete the public notice requirements for the proposal at his or her expense or otherwise may charge a fee sufficient to cover the lead agency's entire cost of meeting the public notice requirements.

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

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

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

10-6A-6 Using Existing Environmental Documents

A. Purpose and Adoption By Reference. This section contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for an agency's own environmental compliance. The City of Liberty Lake adopts the following sections by reference.

WAC:

197-11-164 PLANNED ACTIONS—DEFINITION AND CRITERIA

197-11-168 ORDINANCES OR RESOLUTIONS DESIGNATING PLANNED ACTIONS—PROCEDURES FOR ADOPTION

197-11-172 PLANNED ACTIONS—PROJECT REVIEW

197-11-600 WHEN TO USE EXISTING ENVIRONMENTAL DOCUMENTS

197-11-610 USE OF NEPA DOCUMENTS

197-11-620 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT — PROCEDURES

197-11-625 ADDENDA — PROCEDURES

197-11-630 ADOPTION — PROCEDURES

197-11-635 INCORPORATION BY REFERENCE — PROCEDURES

197-11-640 COMBINING DOCUMENTS

10-6A-7 SEPA and Agency Decisions

A. Purpose and Adoption By Reference. This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts. The City of Liberty Lake adopts the following sections by reference.

WAC:

197-11-650 PURPOSE OF THIS PART

197-11-655 IMPLEMENTATION

197-11-660 SUBSTANTIVE AUTHORITY AND MITIGATION

197-11-680 APPEALS

B. Substantive Authority.

1. The policies and goals set forth in this section are supplementary to those in the existing authorization of the City of Liberty Lake, Spokane County, Spokane Regional Health District, and Spokane County Air Pollution Control Authority.
2. The City of Liberty Lake may attach conditions to a permit or approval for a proposal so long as:
    a. such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared with regard to the license and

pursuant to this ordinance; and

b. such conditions are in writing; and

c. the mitigation measures included in such conditions are reasonable and capable of being accomplished; and

d. the City of Liberty Lake has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

e. such conditions are based on one or more policies in Section 10-6A-7, subsection "B" and cited in the license or other decision document.

3. The City of Liberty Lake may deny a permit or approval for a proposal on the basis of SEPA provided that:

   a. a finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

   b. a finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

   c. the denial is based on one or more policies identified in Section 10-6A-7, subsection "B" and identified in writing in the decision document.

4. The City of Liberty Lake adopts the following policies as the basis for the exercise of substantive authority, pursuant to this section.

   a. the City of Liberty Lake shall use all practicable means consistent with other essential considerations of state policy to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:

      i. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

      ii. assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

      iii. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

      iv. preserve important historic, cultural, and natural aspects of our national heritage;

      v. maintain, wherever possible, an environment which supports diversity and variety of individual choice;

      vi. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and,

      vii. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

   b. The City of Liberty Lake recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

   c. The City of Liberty Lake, for the purposes of section 43.21C.060 RCW and section 197-11-660(a) WAC, adopts by reference the applicable local, state, and federal

policies, plans, rules, and regulations, as amended. All amendments by the City of Liberty Lake pursuant to section 197-11-902 WAC are exempt from fees for amendment.

5. Except for permits and variances issued pursuant to chapter 90.58 RCW (the Washington State Shorelines Management Act) and rules promulgated thereto, appeals of decisions or actions conditioned or denied on the basis of SEPA by a non-elected official shall be appealable in accordance with Section 10-6A-7, subsection "C" below.

C. Appeals.

1. The City of Liberty Lake establishes the following appeal procedures under section 43.21C.060, 43.21C.075, and 43.21C.080 RCW and section 197-11-680 WAC. Persons considering either administrative or judicial appeal of any decision that involves SEPA are advised to read these statutory and administrative rule provisions.
2. Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.
3. Appeals of SEPA procedures shall be limited to review of a final threshold determination (DS, DNS or Mitigated DNS) or Final EIS. These appeals may occur prior to the City of Liberty Lake's final decision on a proposed action.
4. Only one administrative appeal of a threshold determination or of the adequacy of an EIS is allowed; successive administrative appeals within the City are not allowed. This limitation does not apply to administrative appeals before another agency. This limitation also does not apply to closed record appeals authorized in subsection C-5 below.
5. A closed record appeal is allowed to the City Council of any decision by the City of Liberty Lake Hearing Examiner conditioning or denying a proposal under authority of SEPA, if the Hearing Examiner's decision on the underlying governmental action is subject to a closed record appeal to the City Council. The appeal shall be consolidated with any appeal of the underlying governmental action.
6. Except as provided in subsection C-5 and C-7, any allowed appeals of procedural and substantive determinations under SEPA shall be consolidated with a hearing on, or appeal of, the underlying governmental action in a single open record hearing before the City of Liberty Lake Hearing Examiner. The hearing or appeal shall be one at which the City of Liberty Lake Hearing Examiner will render a decision on the proposed action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing on or appeal of the City of Liberty Lake's decision on the proposed action, if both proceedings are allowed in the City's procedures. If the City of Liberty Lake's procedures do not provide for a hearing on or appeal of the underlying governmental action, such agency shall not hold a SEPA administrative appeal, except as allowed in subsection C-7 below.
7. The following appeals of SEPA procedural or substantive determinations shall not be consolidated with a hearing on or appeal of the underlying action:
    a. An appeal of a determination of significance (DS).
    b. An appeal of a procedural determination made by the City of Liberty Lake when it is the project proponent or is funding a project and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction.

c. An appeal of a procedural determination made by the City of Liberty Lake on a non-project action.

d. An appeal where the underlying action is a ministerial permit decision that does not require a public hearing.

8. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed under Section 10-6A-7, subsection "C" shall be filed within fourteen (14) days after the determination has been made and is appealable. Any administrative appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on the project action shall be filed within fourteen (14) days after notice of the decision has been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven (7) days if the appeal is of a DNS for which public comment period is required under the provisions of this ordinance or chapter 197-11 WAC. Nothing in this subsection alters the requirements of Section 10-6A-7, subsections "C-6 and C-7".

9. Procedural determinations made by the responsible official shall be entitled to substantial weight in any appeal proceeding.

10. For any appeal under this section, the City of Liberty Lake shall provide for the preparation of a record for use in any subsequent appeal proceedings, which record shall consist at a minimum the following:

    a. Findings and conclusions.

    b. Testimony under oath.

    c. A taped, electronically recorded, or written transcript.

11. If an administrative appeal of determinations relating to SEPA is available under the procedures of Section 10-6A-7, subsection "C", that procedure must be used before any person may seek judicial review of any SEPA issue that could have been reviewed under such procedures.

12. Judicial appeals of procedural and substantive compliance with SEPA must comply with section 43.21C.075 RCW and section 197-11-680(4) WAC.

    a. The City of Liberty Lake shall give official notice under section 197-11-680(5) WAC of the date and place for commencing a judicial appeal if there is a time limit established by statute or such agency's regulations for commencing a judicial appeal of the underlying governmental action.

    b. Pursuant to section 43.21C.080 RCW, notice of any action taken by the City of Liberty Lake may be publicized by such agency or the applicant for, or the proponent of, such action. The form of the notice shall substantially conform to the forms provided by the City.

10-6A-8 SEPA and Agency Definitions

A. Purpose and Adoption By Reference. This section contains uniform usage and definitions of terms under SEPA. The City of Liberty Lake adopts the following sections by reference, as supplemented by Article 10-1C of this Code.

WAC:

197-11-700 DEFINITIONS

197-11-702 ACT

197-11-704 ACTION

197-11-706 ADDENDUM

197-11-708 ADOPTION

197-11-710 AFFECTED TRIBE

197-11-712 AFFECTING

197-11-714 AGENCY

197-11-716 APPLICANT

197-11-718 BUILT ENVIRONMENT

197-11-720 CATEGORICAL EXEMPTION

197-11-721 CLOSED RECORD APPEAL

197-11-722 CONSOLIDATED APPEAL

197-11-724 CONSULTED AGENCY

197-11-726 COST/BENEFIT ANALYSIS

197-11-728 COUNTY/CITY

197-11-730 DECISION MAKER

197-11-732 DEPARTMENT

197-11-734 DETERMINATION OF NONSIGNIFICANCE (DNS)

197-11-736 DETERMINATION OF SIGNIFICANCE (DS)

197-11-738 EIS

197-11-740 ENVIRONMENT

197-11-742 ENVIRONMENTAL CHECKLIST

197-11-744 ENVIRONMENTAL DOCUMENT

197-11-746 ENVIRONMENTAL REVIEW

197-11-750 EXPANDED SCOPING

197-11-752 IMPACTS

197-11-754 INCORPORATION BY REFERENCE

197-11-756 LANDS COVERED BY WATER

197-11-758 LEAD AGENCY

197-11-760 LICENSE

197-11-762 LOCAL AGENCY

197-11-764 MAJOR ACTION

197-11-766 MITIGATED DNS

197-11-768 MITIGATION

197-11-770 NATURAL ENVIRONMENT

197-11-772 NEPA

197-11-774 NONPROJECT

197-11-775 OPEN RECORD HEARING

197-11-776 PHASED REVIEW

197-11-778 PREPARATION

197-11-780 PRIVATE PROJECT

197-11-782 PROBABLE

197-11-784 PROPOSAL

197-11-786 REASONABLE ALTERNATIVE

197-11-788 RESPONSIBLE OFFICIAL

197-11-790 SEPA

197-11-792 SCOPE

197-11-793 SCOPING

197-11-794 SIGNIFICANT

197-11-796 STATE AGENCY

197-11-797 THRESHOLD DETERMINATION

197-11-799 UNDERLYING GOVERNMENTAL ACTION

B. Additional Definitions. In addition to those definitions contained within sections 197-11-700 through 197-11-799 WAC, see Article 10-1C.

10-6A-9 SEPA Categorical Exemptions

A. Adoption By Reference. The City of Liberty Lake adopts by reference the following rules for categorical exemptions, as supplemented in this section, to include Section 10-6A-3, subsection B (Flexible thresholds), Section 10-6A-3, subsection D (Use of exemptions), and Article 10-6B (Critical areas). See Section 10-A-11 for an example list of exempt and nonexempt activities.

WAC:

197-11-800 CATEGORICAL EXEMPTIONS

197-11-880 EMERGENCIES

197-11-890 PETITIONING DOE TO CHANGE EXEMPTIONS

B. Certification of Emergencies. The responsible official shall certify on a case-by-case basis those actions which meet the conditions prescribed in section 197-11-880 WAC and are declared emergencies.

10-6A-10 Agency Compliance

A. Purpose and Adoption By Reference. This section contains rules for the City of Liberty Lake compliance with SEPA, including rules for charging fees under the SEPA process, designating critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The City of Liberty Lake adopts the following sections by reference.

WAC

197-11-900 PURPOSE OF THIS PART

197-11-902 AGENCY SEPA POLICIES

197-11-916 APPLICATION TO ONGOING ACTIONS

197-11-920 AGENCIES WITH ENVIRONMENTAL EXPERTISE

197-11-922 LEAD AGENCY RULES

197-11-924 DETERMINING THE LEAD AGENCY

197-11-926 LEAD AGENCY FOR GOVERNMENTAL PROPOSALS

197-11-928 LEAD AGENCY FOR PUBLIC AND PRIVATE PROPOSALS

197-11-930 LEAD AGENCY FOR PRIVATE PROJECTS WITH ONE AGENCY WITH JURISDICTION

197-11-932 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY WHEN ONE OF THE AGENCIES IS A COUNTY/CITY

197-11-934 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM A LOCAL AGENCY, NOT A COUNTY/CITY, AND ONE OR MORE STATE AGENCIES

197-11-936 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY

197-11-938 LEAD AGENCIES FOR SPECIFIC PROPOSALS

197-11-940 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY

197-11-942 AGREEMENTS ON LEAD AGENCY STATUS

197-11-944 AGREEMENTS ON DIVISION OF LEAD AGENCY DUTIES

197-11-946 DOE RESOLUTION OF LEAD AGENCY DISPUTES

197-11-948 ASSUMPTION OF LEAD AGENCY STATUS

B. Critical areas. The rules and regulations set forth in the City of Liberty Lake Critical Areas Ordinance (Article 10-6B of the City Development Code), as amended, and the supplemental maps designate the location of environmentally sensitive areas within the City of Liberty Lake. Proposals that will be located within critical areas are to be treated no differently than other proposals under this article. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

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

as established in the adopted City Fee Schedule.

10-6A-11 SEPA Exemption Levels Matrix & Summary of SEPA Process

A. SEPA Exemption Levels Matrix. The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for their own information. See Washington Administrative Code (WAC) chapter 197-11, and the provisions set forth in this article for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Activities in Critical Areas		X [2]
Activities of Fire and Law Enforcement - exempt construction	X	
Additions to Buildings - below the flexible thresholds	X	
Adoption of State Building Codes	X	
Adoption of Noise Ordinances	X	
Agricultural Buildings (less than 20,000 sq. feet)	X	
Annexation Into a City	X	
Binding Site Plan (BSP)		X
Class I, II, and III Forest Practice Permits / Regulations	X	
Closure of Schools (plan)	X	
Demolitions to Buildings - below the flexible thresholds	X	
Demolitions to Buildings of Historical Significance		X
Dredging		X
Dwelling Units (less than 20 units)	X	
Grants of Franchise by Agencies to Utilities	X	
Hydrological Measuring Devises	X	
Installation, Construction, Relocation of Utilities, Except the Following: 1. Communication Towers or Relay Stations 2. Stormwater, Water and Sewer Lines (greater than 8 inches) 3. Electrical Facilities and Lines (greater than 55,000 volts)	X [1]	
Issuance, Renewal, Revision of Air Operating Permit	X	
Landfills and Excavations (less than 500 cubic yards)	X	
License for Discharge to Air		X
License for Discharge to Water		X
Microcell Attached To Structure (no residence or school on-site)	X	
Minor Road Repair (including pedestrian and bicycle facilities)	X	
Minor Repair or Replacement of Structures	X	

Open Burning	X	
Office, School, Commercial, Recreational, Service, and Storage Buildings (less than 12,000 sq. feet and up to 40 parking spaces)	X	
Parking Lots (less than 40 parking spaces)	X	
Personal Wireless Service Antennas Attached To A Structure (no residence or school on-site and located in a Commercial or Industrial Zone)	X	
Personal Wireless Service Tower (less than 60 feet in a Commercial or Industrial Zone)	X	
Plat		X
Proposal or Adoption of Rules, Regulations, Resolutions, Ordinances, or Plans Relating To Procedures and Contains No Standards	X	
Reconstruction / Maintenance - Shoreline Protection Measures		X
Recreational Site Development (less than 12 campsites)	X	
Repair / Rebuilding of Dams, Dikes, and Reservoirs		X
Repair, Remodeling, and Maintenance of Existing Structures	X [1]	
Replacement of Utilities / Utility Lines	X [3]	
Rezone		X
Sale, Transfer, Exchange, or Lease of Land	X	
Short Plats or Short Subdivisions	X [1]	
Short Plats (within land previously platted)		X
Signs and Signals	X	
Special Use Permit - project meets flexible thresholds	X	
Survey and Boundary Markers	X	
Timber Harvest		X
Transit Stops	X	
Underground Tanks (less than 10,000 gallons)	X	
Vacation of Streets and Roads	X	
Variances (not including change in use or density)	X	
Variances (under the Clean Air Act)	X	
Water Rights and Structures (less than 50 cfs of surface water for irrigation)	X	
Water Rights and Structures (1 cfs or 2250 gpm of ground water)	X	
Water Quality Certifications	X	
Watershed Restoration Projects Pursuant to a Restoration Plan	X	

1. Applies to land not covered by water.
2. Under section 197-11-305 WAC, each County/City may adopt provisions to exclude exemptions listed in 197-11-800 for those sites listed in Critical Areas.

3. Some utility replacements are non-exempt. See WAC for specifics (i.e. replacement of transmission line for natural gas is not exempt).

B. SEPA Process.

Is SEPA Required?	Is the entire proposal defined?	WAC 197-11-060
	Is there an agency "action"?	WAC 197-11-704
	Is the action "categorically exempt"?	10-6A-3, subsection B, 10-6A-3, subsection D, 10-6A-9, subsection A, and 10-6A-10, subsection B
	Has SEPA already been completed?	WAC 197-11-164, and 10-6A-6, subsection A, and 10-6A-7, subsection B
Who is lead agency?	Identify the "lead agency."	10-6A-2
Are there likely to be impacts?	Review the checklist and identify likely significant adverse environmental impacts.	WAC 197-11-330
Are there existing documents that analyze the impacts?	Identify documents that analyze probable impacts of the proposal.	WAC 197-11-600 and 330(2)(a)
Can impacts be mitigated?	Identify mitigation required by development regulations, and other local and state laws.	WAC 197-11-158, and 10-6A-3, subsection F
	Is the applicant willing to change the proposal to reduce impacts?	10-6A-3, subsection F
	Consider using SEPA substantive authority for other impacts not adequately addressed.	10-6A-7, subsection B
After application of identified mitigation, is the proposal likely to have any significant adverse environmental impact?	If not, issue a determination of nonsignificance (which may include mitigation measures).	WAC 197-11-340, 350, and 355
	If yes, issue a determination of significance, and either include an adoption notice or begin the EIS process.	WAC 197-11-360 and 10-6A-4
How is SEPA used in decision making?	Mitigation under SEPA must be included as permit conditions, or in changes to permit applications for the proposal. Projects may be denied if identified significant adverse impacts cannot be mitigated.	10-6A-7, subsection B

C. SEPA Involvement Requirements.

DOCUMENT	Comment Period	Public Notice	Distribution	WAC
Determination of Non-Significance (DNS)	14 days (may be required)	Yes (if comment period required)	Yes (if comment period required)	See 197-11-340(2) for criteria on whether a comment period is required
Mitigated DNS	14 days	Yes	Yes	197-11-340 and 197-11-350
Optional DNS Process Notice w/ NOA	Combined w/ NOA (14 - 30 days)	Yes	Yes	197-11-355

DNS Issued After NOA	Optional 14 days	Yes (if comment period is given)	Yes	
DNS Integrated w/ GMA Planning Document	Combined w/ GMA Document (14 - 60 days)	Yes	Yes	197-11-230(1) and (4)
Modified DNS	No	No	Yes	197-11-340(2)(f)
DNS After Withdrawal of a DS	14 days	Yes	Yes	197-11-360(4) and 197-11-340(2)(iv)
DS With Scoping Notice	21 days (up to 30 days for expanded scoping)	Yes	Yes	197-11-360, 197-11-408, and 197-11-410
DS / Scoping Notice w/ NOA	Combined w/ NOA (14 - 30 days)	Yes	Yes	197-11-408
Draft Environmental Impact Statement (DEIS)	30 days (possible 15-day extension)	Yes	Yes	197-11-455
DEIS Integrated With GMA Planning Document	Combined w/ GMA Document (30 - 60 days)	Yes	Yes	197-11-230(1) and (4)
Supplemental DEIS	30 days (possible 15-day extension)	Yes	Yes	197-11-620(1) and 197-11-455
Final EIS	No, but a 7-day waiting period is required before agency action	No	Yes	197-11-460
Final Supplemental EIS	No, but a 7-day waiting period is required before agency action	No	Yes	197-11-620(1) and 197-11-460
Final EIS Integrated w/ GMA Planning Document	No comment or waiting period	No	Yes	197-11-230(5)
Adoption Notice w/ DNS	14 days (may be required)	Yes (if comment period required)	Yes (if comment period required)	197-11-340(2) and 197-11-630
Adoption Notice w/ DS	No, but a 7-day waiting period is required before agency action	No	Yes	197-11-630(3)
Addendum to a DNS	No	No	Encouraged	197-11-625(5)
Addendum to an EIS	No	No	Encouraged, (may be required)	See 197-11-625 for criteria requiring distribution

Agencies may extend any comment period for their own proposals, WAC 197-11-050(7).

10-6A-12 Forms

A. Adoption by references. The City of Liberty Laker adopts the following forms for use in carrying

out the local SEPA procedures. These forms may be amended administratively provided there is concurrency between the City of Liberty Lake, Spokane County, Spokane Regional Health District and Spokane County Air Pollution Control Authority.

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

The above referenced forms are available through the City of Liberty Lake.

Article 10-6B — Critical Areas

Sections:

10-6B-1 **General Provisions**

10-6B-2 **Emergency Permits & Reasonable Use Exceptions**

10-6B-3 **Wetlands**

10-6B-4 **Fish & Wildlife Habitat Conservation Areas**

10-6B-5 **Geologically Hazardous Areas**

10-6B-6 **Critical Aquifer Recharge Areas**

10-6B-7 **Additional Resources**

10-6B-8 **Incentives**

10-6B-1 General Provisions

A. Purpose. The purpose of this article is to implement the overall critical areas goals, and the specific goals and policies for wetlands, fish and wildlife habitat, geo-hazard areas, and critical aquifer recharge areas contained in the City of Liberty Lake Comprehensive Plan, Chapter 9 Natural Environment. The specific goals for wetlands, fish and wildlife habitat, geo- hazard areas, and critical aquifer recharge areas are listed below. Furthermore, it is expressly the purpose of this article to protect the health, safety, and welfare of the general public.

1. Wetlands.

    a. Ensure “no net loss” of wetland functions, value, and quantity as a result of land use activities and establish a long-term goal of measurable gain of wetlands function and value;

    b. Establish wetland management programs that include identification of wetlands and a classification system; and

    c. Protect and enhance wetlands so that they are able to perform their natural functions and maintain their beneficial values.

2. Fish and Wildlife Habitat Conservation Areas.

    a. Identify fish and wildlife habitat conservation areas and their ecosystems. Recognize the multiple values of fish and wildlife habitat conservation areas and educate people as to these values.

    b. Protect, maintain, and improve critical fish and wildlife habitat conservation areas and habitats of local importance through a variety of methods including public ownership of the most critical areas and incentives for privately owned land.

    c. The City of Liberty Lake shall strive to minimize fragmentation of habitat by protecting important fish and wildlife areas and open space; and by interconnecting corridors to form a continuous network of fish and wildlife habitat and ecosystems with adjacent areas.

d. The City of Liberty Lake shall strive to ensure that priority fish and wildlife species as identified by the Washington Department of Fish and Wildlife and species of local importance do not become imperiled due to land use changes, habitat alteration, and other human activities.

3. Geologically Hazardous Areas.

   a. Development should be discouraged in geologically hazardous areas unless it can be demonstrated that a hazard area can be developed consistent with public health and safety. Development permits may be conditioned to mitigate certain hazards.

   b. Geologically hazardous areas may be used as open space for recreation, rangeland, forest, wildlife habitat, and other uses as appropriate.

4. Critical Aquifer Recharge Areas.

   a. Prevent degradation of groundwater quality in Liberty Lake area aquifers.

   b. Protect groundwater quality from development impacts.

   c. Mitigate the effects of natural or unnatural events that lower aquifer water quality below minimum state standards.

   d. Secure adequate water quantity for the residents of the City of Liberty Lake without artificially over-allocating available resources to any single customer or group of customers.

   e. Provide public information programs for land users to demonstrate how to protect critical aquifer recharge areas from degradation.

   f. Consistently enforce regulations, effectively monitor compliance, and provide regulatory incentives to protect critical aquifer recharge areas.

   g. Regularly update critical aquifer recharge area protection measures so they are effective, enforceable, and equitable.

5. General purpose of this article.

   a. To protect the public health, safety, and welfare by preserving, protecting, restoring, and managing through the regulation of development and other activities within wetland, fish and wildlife habitat conservation areas, geologically hazardous areas, and critical aquifer recharge areas;

   b. To recognize wetlands, fish and wildlife habitat conservation areas and geologically hazardous areas and critical aquifer recharge areas as important natural resources which provide significant environmental functions and values including: vital importance to critical fish and wildlife habitat, surface and ground water quality, aquifer recharge, flood control, shoreline anchorage and erosion control, scientific research and education, open space, aesthetic values, historic and cultural preservation, passive recreation and contribute to quality of life currently enjoyed by citizens of Liberty Lake;

   c. To maintain consistency with state and federal protective measures;

   d. To avoid duplication and over-regulation by limiting regulatory applicability to those developments and activities with significant impacts;

   e. To identify and protect wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and critical aquifer recharge areas without violating any citizen’s constitutional rights;

f. To alert appraisers, assessors, owners and potential buyer or lessees of property to the development limitation within wetlands, fish and wildlife habitat conservation areas, and geologically hazardous areas;

g. To prevent degradation of critical aquifer recharge areas.

B. Intent.

1. The intent of these regulations is to avoid, or in appropriate circumstances, to minimize, rectify, reduce, or compensate for impacts arising from land development and other activities affecting wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and critical aquifer recharge areas; and to maintain and enhance the biological and physical functions and values of these areas.

2. Development shall not impact wetlands, however, if impacts do occur, mitigation may be implemented to achieve no net loss of wetlands in terms of acreage, function, and value.

3. It is recognized that land development will not always be compatible with preservation of fish and wildlife and their habitats. Some wildlife will be eliminated as development occurs. It is the intent of these regulations to preserve wildlife when possible through thoughtful planning and consideration of wildlife needs.

4. It is the intent of these regulations to allow development in geo-hazard areas only when hazards can be mitigated to protect the public health, safety, and general welfare.

5. In addition, the intent of these regulations is to recognize that property rights and public services are an essential component of our legal and economic environment. Where such rights and public services are seriously compromised by the regulations contained in this article, impacts may be permitted provided there is appropriate mitigation.

C. Applicability. This article shall apply to all areas within the City of Liberty Lake and the obligation to comply with any requirements within the scope and provisions of this article is with the owner of the property or land. No action shall be undertaken by any person which impacts critical aquifer recharge areas or results in any alteration of a wetland, fish and wildlife habitat or geologically hazardous area as defined in this Code except in conformance with this article. Uses and activities listed in subsection "D" below are allowed in wetlands, fish and wildlife habitat areas, geologically hazardous areas, and their buffer areas only if:

1. The use or activity is in compliance with the requirements of this article, and

2. The use or activity is in compliance with all other applicable provisions of the City Code. Uses and activities listed in listed in subsection "D" below shall conform with requirements in this article for protecting critical aquifer recharge areas

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

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

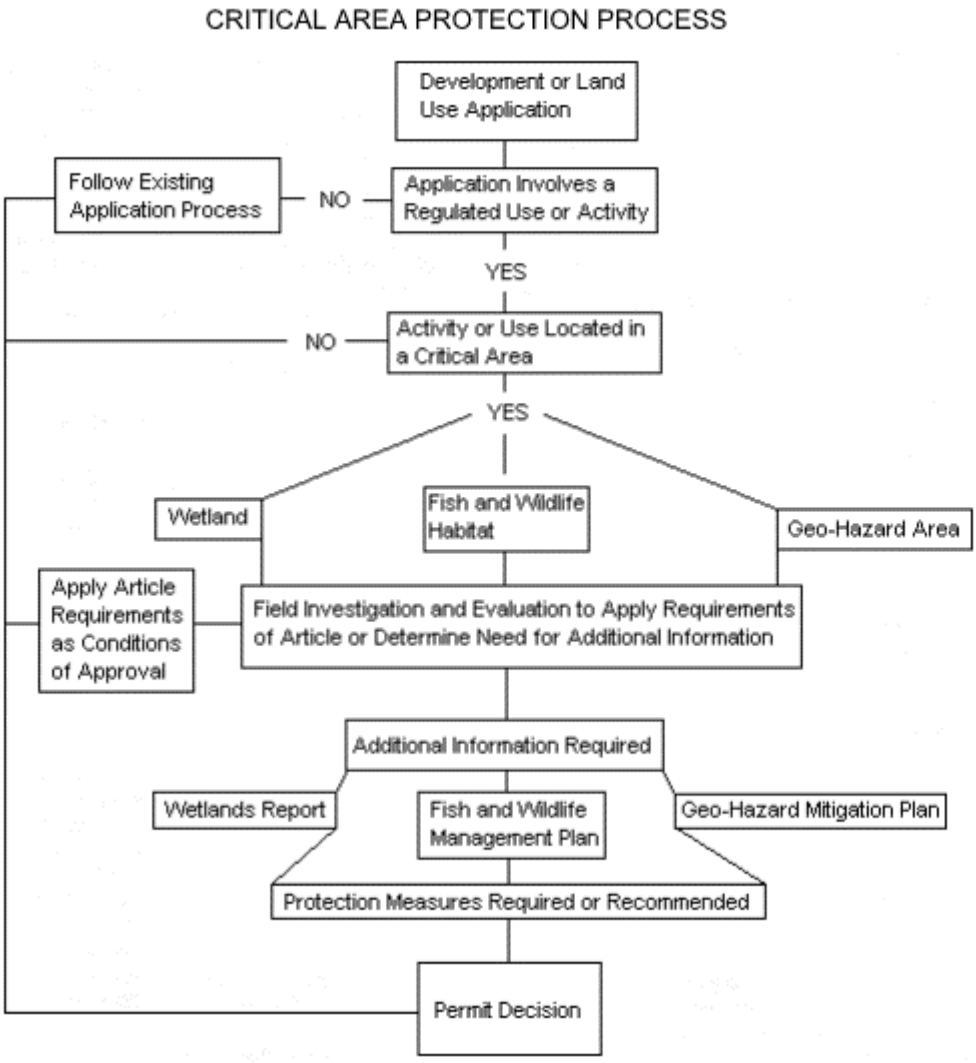
Vegetation Removal, Forest Practice Class IV	L	L	L
Vegetation Removal, nonforest practice	L	L	P
Water Well Pump House, Wildlife Blind, Nesting Structure	L	P	P

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

E. Coordination with Other Permit Processes.

1. This article does not require any permit in addition to those otherwise required by City ordinances.
2. The performance standards and other requirements of this article shall be applied to uses and activities shown in subsection "D" above or Section 10-6B-6, subsection "B", through any permit or approval process otherwise required by City ordinances.
3. Uses and activities in a critical area or buffer for which no permit or approval is required by any other City ordinance remain subject to the performance standards and other requirements of this article.
4. The City of Liberty Lake may approve, approve with conditions, or deny any permit application for a use or activity listed in subsection "D" above or Section 10-6B-6, subsection "B", in order to comply with the requirements of this article.

F. Process - Regulation of Wetlands, Fish and Wildlife Habitats, Geo-hazard Areas, and Critical Aquifer Recharge Areas.



NOTE: Appeal process follows route of associated permit. Appeals of administrative decisions regarding provisions of this article use the administrative appeal process contained within this Code.

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

1. The City maintains maps of wetlands, fish and wildlife habitats, geo-hazard areas, and critical aquifer recharge areas, as applicable, to provide information to the public and to aid in the administration of this article. The maps are not regulatory in nature.
2. The maps will be used to identify the possible existence of wetlands, fish and wildlife habitats, geo-hazard areas, and critical aquifer recharge areas. The maps in conjunction with site visits and other information will be used as a basis for requiring field investigations such as wetland reports, fish and wildlife management plans, geo- technical studies, and hydrogeologic reports. In the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail.
3. Additions, corrections, and periodic updates to the maps shall be made when new or additional information is available. Omission of a site from the map will not exempt the site from complying with the provisions of this article. When an interpretation is needed as to the

existence of a wetland, fish and wildlife habitat, geo-hazard area, and critical aquifer recharge areas, the Zoning Administrator shall make such determination according to the criteria and characteristics contained in this article and consultation with an agency or agencies of expertise as deemed appropriate by the Zoning Administrator.

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

1. Following the appeal procedures of the associated application; or
2. If there is no associated application or appeal process, follow the process in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the Zoning Administrator.

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

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

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

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

10-6B-2 Emergency Permits & Reasonable Use Exceptions

A. Emergency Activities - Temporary Emergency Permit.

1. Criteria for Granting a Temporary Emergency Permit. Notwithstanding the provisions of this article or any other laws to the contrary, the Zoning Administrator may issue a temporary emergency wetlands permit or allow regulated uses or activities in a fish and wildlife habitat conservation area or geologically hazardous area if:
    a. The Zoning Administrator determines that an imminent threat to public health, safety, or the environment will occur if an emergency permit is not granted; and
    b. The threat or loss may occur before a wetlands permit or fish and wildlife habitat conservation area review can be issued or conditioned under the procedures otherwise required by this article.
2. Conditions of Emergency Permit. Any emergency permit granted shall:
    a. Incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;
    b. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days without re-application; and
    c. Require the restoration of any wetland, fish and wildlife habitat conservation area or geologically hazardous area altered as a result of the emergency activity within ninety

days following the emergency repair, or during the growing season after the emergency repair.

B. Reasonable Use Exception.

1. Requirements. If an applicant for a development proposal demonstrates to the satisfaction of the Zoning Administrator that application of the standards of this article would deny all reasonable use of the property, development as conditioned shall be allowed. The applicant shall pay a fee, as established in the adopted City Fee Schedule, which may cover mailing and processing and submit documentation on forms provided by City demonstrating all of the following to the satisfaction of the Zoning Administrator:

    a. Applications of this article would deny all reasonable use of the property; and

    b. There is no reasonable use with less impact on the wetland, fish and wildlife habitat, or geo-hazard area; and

    c. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety, or welfare on or off the property; and

    d. Any alteration to the wetland, fish and wildlife habitat, or geo-hazard area is the minimum necessary to allow for reasonable use of the property; and

    e. The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the undevelopable condition after the effective date this Code.

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

10-6B-3 Wetlands

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

1. Information to be Included in a Wetland Report. A wetland report shall include the following:

    a. Vicinity map;

    b. When available, a copy of a National Wetland Inventory Map (U.S. Fish and Wildlife Service and/or a City of Liberty Lake Wetland Inventory Map) identifying the wetlands on or adjacent to the site;

    c. A site map setting forth all of the following:

        i. Surveyed wetland boundaries based upon a delineation;

        ii. Site boundary property lines and roads;

        iii. Internal property lines, rights-of-way, easements, etc.;

iv. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;

v. Contours at the smallest readily available intervals, preferably at two- foot intervals;

vi. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site area.

vii. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets.

viii. The City may require an air photo with overlays displaying the site boundaries and wetland delineation.

d. A report which includes the following

i. Location information (legal description, parcel number and address);

ii. Delineation report. The wetland boundaries on the site established by the delineation shall be staked and flagged in the field. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within one hundred fifty feet of the site, but need only delineate those wetland boundaries within the site;

iii. General site conditions including topography, acreage, and surface areas of all wetlands identified in the City of Liberty Lake wetland atlas and water bodies within one quarter mile of the subject wetland(s);

iv. Hydrological analysis, including topography, of existing surface and known significant subsurface flows into and out of the subject wetland(s);

v. Analysis of functional values of existing wetlands, including vegetative, faunal, and hydrologic conditions;

vi. A summary of proposed activity and potential impacts to the wetland(s);

vii. Recommended wetland category, including rationale for the recommendation;

viii. Recommended buffer boundaries, including rationale for boundary locations;

ix. Proposed on-site residential density transfer from wetlands and/or buffers to upland areas.

x. Site plan of proposed activity, including location of all parcels, tracts, easements, roads, structures, and other modifications to the existing site. The location of all wetlands and buffers shall be identified on the site plan.

2. Modifications to Wetland Reports. The Zoning Administrator shall have the authority to modify the requirements for the wetland report. The wetland report requirement may be modified for lots in existence prior to the effective date of this Code and for lots, tracts or parcels which are equal or greater than five acres in size. A partial or modified determination of a wetland boundary may be approved if the following is provided:

a. The owner designates a building envelope(s) on the property which would restrict regulated activities as defined by this article to an area of the property where no significant effect on the wetland is likely;

b. The building envelope(s) shall be recorded on the property with the Spokane County auditor's office that contain such restrictions to ensure compliance with this article;

c. A statement shall be recorded on the property which contains the following language "The property is subject to building envelope restrictions which were placed on the property to protect wetland and wetland buffer areas. An actual wetland determination, wetland boundary determination, wetland rating, and wetlands report as provided for in this article has not been completed and the property owner is subject to the provisions of this article."

d. The Zoning Administrator, in modifying the requirement for a wetland report shall consider but not be limited to the following: i) evidence of the wetland location; ii) the proposal and its proximity to the wetland and wetland buffer areas and its probable environmental impacts; and iii) the proposed use or activity is at least two hundred feet from the appropriate wetland boundary.

e. Where the applicant has provided a delineation of the wetland boundary, the City shall verify the accuracy of the delineation through consultation with the Washington State Department of Ecology or other agency of expertise as determined by Zoning Administrator, and may render adjustments to, the boundary delineation.

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

B. Wetlands Rating System. The following rating system, adapted from the State Department of Ecology publication, Washington State Wetlands Rating System for Eastern Washington, as amended, is adopted for the purpose of determining the size of wetland buffers, determining mitigation ratios, and reviewing permits under this article. For the purposes of this section, the U.S. Fish and Wildlife Service's Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979, as amended) contains the descriptions of wetland types.

1. Category 1 Wetlands. Wetlands which meet at least one of the following criteria:

    a. Documented habitat for endangered or threatened fish or animal species or for potentially extirpated plant species recognized by state or federal agencies;

    b. Wetlands which:

        i. Are equal to or greater than five acres in size; and

        ii. Have three or more wetland classes; and

        iii. Have an open water component at least one-half acre in area, or comprising at least ten percent of the total area of the wetland.

    c. High quality, regionally rare wetland communities with irreplaceable ecological functions which may include sphagnum bogs, fens and forested wetlands occurring on organic soils.

    d. Documented wetlands of local significance as adopted according to the process outlined in Section 10-6B-3, subsection B (5).

2. Category 2 Wetlands. Wetlands which meet any of the following criteria, and which are not Category 1 wetlands:

    a. Wetlands containing documented habitat for sensitive plant, fish, or animal species listed by state or federal agencies of jurisdiction.

    b. Wetlands which:

        i. Are equal to or greater than one acre in size; and

ii. Have forty percent to sixty percent open water in dispersed patches; and

iii. Have two or more wetland vegetative classes (a vegetative class must be at least one-half acre in size or comprise at least ten percent of the entire wetland).

c. Riparian wetlands.

d. Documented wetlands of local significance as adopted according to the process outlined in Section 10-6B-3, subsection B (5).

3. Category 3 Wetlands.

a. Wetlands which are not Categories 1, 2, or 4 wetlands; and,

b. Are vernal wetland systems found in low annual rainfall areas (less than eighteen inches).

4. Category 4 Wetlands. Wetlands which are not Category 1 or Category 2 wetlands and which:

a. Are equal to or less than one acre in size; and are hydrologically isolated wetlands; and are comprised of one vegetated class and more than ninety percent of the arial cover is any combination of Soft rush (Juncus effusus),

b. Hard hack (Spiraea douglasii) or Cattail (Typha latifolia); or

c. Are wetlands less than two acres and hydrologically isolated, with one vegetated class and more than ninety percent of arial cover is any combination of species from the list in Table 7 of Washington State Wetlands Rating System for Eastern Washington.

5. Wetlands of Local Significance - Nomination Procedure. In order to increase the rating of a wetland and adjust buffering requirements accordingly, the following nomination procedure is provided.

a. To nominate a wetland of local significance an individual or organization must submit written and/or graphic information to the City which demonstrates a need for increased protection based on:

i. Potential for degradation based on nature or intensity of surrounding land use;

ii. Uniqueness in area;

iii. Potential for educational value;

iv. Benefit to wildlife;

v. Significance for aquifer recharge;

vi. Significance for stormwater management and treatment;

vii. Others.

b. The submittal shall include a wetlands delineation, values, and functions assessment and rating meeting the standards of this section.

c. A statement requesting Category I or Category II status for the wetland and any supporting information.

d. A statement of support for the nomination signed by the owner of the property on which the wetland is located.

e. Submitted proposals will be reviewed for accuracy and effectiveness by City staff and other agencies or experts deemed appropriate by the Zoning Administrator.

f. A public hearing will be scheduled on complete nominations before the appropriate hearing body.

C. Wetland Buffer Areas.

1. Standard Buffer Area Widths. Wetland buffer areas shall be required for all regulated uses and activities adjacent to wetlands. Any wetland created, restored, or enhanced as compensation for wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as determined in the field pursuant to the requirements of Section 10-6B-3, subsection "A". The width of the wetland buffer area shall be determined according to the category assigned to the wetland in accordance with Section 10-6B-3, subsection "B".

    a. Category 1 wetlands, minimum wetland buffer area width is two hundred feet.

    b. Category 2 wetlands, minimum wetland buffer area width is one hundred fifty feet.

    c. Category 3 wetlands, minimum wetland buffer area width is seventy-five feet.

    d. Category 4 wetlands, minimum wetland buffer area width is twenty-five feet.

2. Increased Wetland Buffer Area Width. The City may require increased buffer area widths on a case-by-case basis by the Zoning Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

    a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored, or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

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

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

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

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

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

4. Standard Buffer Width Averaging. Standard wetland buffer areas may be modified by averaging buffer widths or a combination of averaging and reduction. Wetland buffer width averaging shall be allowed only when all of the following apply:

    a. Averaging will provide the necessary biological, chemical, and physical support

necessary to protect the wetland in question, taking into account the type, intensity, scale, and landscape location of the proposed land use;

b. The wetland contains variations in sensitivity due to existing physical characteristics which justify the averaging;

c. The land uses causing the least disturbance would be located adjacent to areas where the buffer width is reduced, and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

d. Width averaging will not adversely impact the wetland's functions and values;

e. The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer or be less than twenty-five feet.

5. Wetland Buffer Maintenance. Except as otherwise specified, wetland buffer areas shall be retained in their natural condition. Where buffer disturbances have occurred, revegetation with native vegetation shall be required.

6. Permitted Uses in a Wetland Buffer Area. Regulated activities shall not be allowed in a buffer area except for the following:

a. Activities having minimal adverse impacts on buffers and no adverse impacts on wetlands. These may include low intensity, passive recreational activities such as pedestrian/bike trails which should be setback fifty feet from the wetland boundary if possible and shall be a maximum of fourteen feet in width, nonpermanent wildlife watching blinds, short term scientific or education activities, and sports fishing or hunting (refer to Section 10-6B-1, subsection "D").

b. Motorized vehicles shall not be allowed in wetland buffer areas except as part of an approved mitigation plan or permitted activity such as noxious weed control.

D. Wetland Mitigation.

1. Mitigation Options. New development shall not impact wetlands and permits shall not be conditioned to allow for wetland impact. Wetland alteration from development or other activities should not cause adverse impacts to the wetland or its buffer area. If adverse impacts do occur, restoration, creation, or enhancement of the wetlands will be made to offset the impacts. An appropriate mitigation plan shall be prepared that provides for mitigation measures as outlined below. Wetland mitigation means the use of any or all of the following actions listed in descending order of preference:

a. Avoiding the impact altogether by not taking certain action or parts of an action;

b. 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;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

f. Monitoring the impact and the compensation project and taking appropriate corrective

measures. Mitigation may include a combination of the above measures.

2. Wetlands Mitigation Ratios. Any person who degrades wetlands shall restore, create, or enhance equivalent areas or greater areas of wetlands than those altered in order to compensate for loss of wetland acreage or functions according to the following ratios:

Category	Wetland Area Impacted	Wetland Replacement Area Required
Category I	1	to 6
Category II or III		
Forested	1	to 3
Scrub-shrub	1	to 3
Emergent	1	1.5
Category IV	1	to 1.25

3. Wetland Enhancement. Any person who degrades wetlands may propose to enhance existing wetlands in order to compensate for wetland losses. Proposals to enhance wetlands shall identify how enhancement conforms to the overall goals and requirements of the wetlands protection program. A wetlands enhancement compensation project shall be considered, provided that enhancement for one function and value will not degrade another function or value. Acreage replacement ratios may be increased up to one hundred percent to recognize existing functional values. Category I wetlands shall not be enhanced.

4. Increased Replacement Ratio. The standard replacement ratio may be increased under the following circumstances:

    a. High degree of uncertainty as to the probable success of the proposed restoration or creation;

    b. Significant period of time between destruction and replication of wetland functions;

    c. Projected losses in functional value and other uses, such as recreation, scientific research, and education, are relatively high;

    d. Not possible to create or restore same type of wetland;

    e. Off-site compensation is offered.

5. Decreased Replacement Ratio. The standard replacement ratio may be decreased under the following circumstances:

    a. Scientifically supported evidence which demonstrates that no net loss of wetland function or value is attained under the decreased ratio.

    b. In all cases a minimum acreage replacement ratio of 1:1 shall be required.

6. In-Kind/Out-Of-Kind Mitigation. In-kind mitigation shall be provided except when the following apply:

    a. The wetland system is already degraded and out-of-kind replacement will result in a wetland with greater functional value; or

    b. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation impossible. Where out-of- kind replacement

is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

7. On-Site/Off-Site Mitigation. On-site mitigation shall be provided except when the following apply:
    a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be damaged by the on-site loss; and
    b. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses; or
    c. Existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or
    d. Established goals for flood storage, flood conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation measures at another site.
8. Mitigation Outside of Primary Drainage Basin. Wetland creation or restoration shall occur within the same primary drainage basin as the wetland loss occurred, unless the applicant can demonstrate that:
    a. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be substantially damaged by the loss within that primary drainage basin; and
    b. In-basin mitigation is not scientifically feasible due to problems with hydrology, soils, or other factors such as other potentially adverse impacts from surrounding land uses; or
    c. Existing functional values in a different primary drainage basin are significantly greater than lost wetland functional values; or
    d. Established goals for flood storage, flood conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation measures in a different primary drainage basin.
9. Mitigation Site Selection. In selecting mitigation sites, applicants shall pursue siting in the following order of preference:
    a. Upland sites which were formerly wetlands;
    b. Degraded upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds, or emergent vegetation; and
    c. Other upland sites.
10. Timing of Mitigation. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.
11. Components of Mitigation Plans. All wetland restoration, creation, and/or enhancement projects required pursuant to this article shall follow a mitigation plan which meets City requirements. The Zoning Administrator must give written approval for a mitigation plan prior to commencement of any wetland restoration, creation, or enhancement activity. The mitigation plan shall contain at least the following components:
    a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, wetland delineation; existing wetland acreage; wetland impacts; vegetative, faunal, and hydrologic characteristics; soil and substrate

conditions; and topographic elevations. If the mitigation site is different from the impacted wetland site, baseline information should also include: the watershed; surface hydrology; existing and proposed adjacent land uses; proposed buffers; and ownership.

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

c. Monitoring Program. Specific measurable criteria approved by the Zoning Administrator, shall be provided for evaluating whether the goals and objectives of the project are being achieved, and for determining when and if remedial action or contingency measures should be implemented. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria. The mitigation plan manager will ensure work is completed in accordance with the mitigation plan and, if necessary, the contingency plan. The monitoring program will continue for five years after the completion of the project and be bonded with results of the monitoring data being reported to the Zoning Administrator.

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

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

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

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

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

E. Protection of Wetlands and Wetland Buffer Areas.

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

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

   b. A title notice shall be recorded on the property or portion of the property containing a wetland or wetland buffer area. The title notice shall provide notice of a wetland delineation, if any exists, or indicate location of wetlands or wetland buffer areas on

the property. A required title notice shall prohibit in perpetuity the development, alteration, or disturbance of vegetation within the wetland or wetland buffer area except when in conformance with this article.

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

d. Regardless of the method chosen to protect and preserve the wetland or wetland buffer area, such areas shall be maintained by the landowner, adjacent lot owner(s), homeowner's association, the permit applicant or agent, or an appropriate entity as approved by the City.

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

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

EXAMPLE TITLE NOTICE

TITLE NOTICE FOR WETLANDS AND WETLAND BUFFER AREAS

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

Assessors Tax Parcel Number: _____

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

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

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

EXECUTED this_____day of_____, 20_____.

NOTARY

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

BY CITY OF LIBERTY LAKE:

Name:_____Title:_____

Signature:_____Date:_____

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

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

"Wetland or Wetland Buffer Area - Do Not Disturb Natural Area Contact the City of Liberty Lake Regarding Uses and Restrictions"

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

F. Time Period, Authorized Activity.

1. Authorization to undertake regulated activities within a wetland or wetland buffer area shall normally be valid for the period of the underlying permit.
2. Prior to the granting of an extension to an underlying permit, the review authority may require updated studies and/or additional hearings if, in its judgment, the original intent of the permit is altered or enlarged by the renewal, or if the applicant failed to abide by the terms of the original permit.

G. Bonding or Other Financial Performance Guarantee.

1. The Zoning Administrator may require the applicant of a development proposal to post a cash performance bond or other security acceptable to the City in an amount and with surety and conditions sufficient to fulfill the requirements set forth in the permit or approval;
2. In the event of a breach of any condition of any such bond, the Zoning Administrator r may initiate action in Spokane County Superior Court to execute the bond;
3. The Zoning Administrator shall release the performance bond upon determining that:
    a. All activities have been completed in compliance with the terms and conditions of the permit or approval and the requirements of this article, and
    b. Posting of a maintenance bond by the applicant, if applicable.
4. The principal or surety cannot be terminated or canceled without written release of the bond or other financial performance guarantee by the City.
5. The Zoning Administrator shall release the maintenance bond upon determining that performance standards established for evaluating the effectiveness and success of the structures, improvements and/or mitigation as established in the mitigation plan have been satisfactorily met for the required period.
6. For mitigation projects, the performance standards shall be those contained in the mitigation plan developed and approved during the permit review process, and the maintenance bond applicable to this project shall not be released until the Zoning Administrator determines that performance standards established for evaluating the effect and success of the project have

been met.

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

10-6B-4 Fish & Wildlife Habitat Conservation Areas

A. Priority Habitats and Species Designation. Washington State Priority Habitat and Species Program. The priority habitats and species of the City of Liberty Lake are identified in below and are adopted from the Washington State Priority Habitats and Species Program, as now or hereafter amended. Due to the dynamic nature of fish and wildlife populations and their habitats, the priority habitats and species program will be revised periodically as species and habitats are added, deleted, or redefined. The location of these priority habitats and known point locations such as den or nest site of priority species are depicted on the City of Liberty Lake fish and wildlife conservation areas map, as applicable.

Priority Habitats and Species of the City of Liberty Lake	
Priority Habitat	**Criteria**
Wetlands and Deepwater	Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following characteristics: (1) the land supports predominantly hydrophytic plants, (2) soils are hydric and (3) soils are saturated with water or covered by the shallow water at some time during the growing season of each year. Deepwater habitats are permanently flooded lands lying below the deepwater boundary of wetlands. Deep water habitats include environments where surface water is permanent and often deep, so that water, rather than air is the principal medium within which the dominant organisms live. Wetlands and deepwater habitats support comparatively high wildlife density and diversity, provide breeding habitat and seasonal ranges, have limited availability and high vulnerability to habitat alteration.

Riparian	Riparian habitat is defined as an area adjacent to flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. In riparian habitat, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient and sediment loading, terrestrial wildlife and organic debris from the land. Riparian areas have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.
Cliffs/Bluffs	Greater than 25 feet high and below 5,000 feet elevation. These areas are significant for wildlife breeding habitat, have limited availability and support unique assemblages of species.
Old Growth Forest	Tree stands are highly variable in species composition and structural characteristics due to the influence of fire, climate, and soil. In general, stands will be > than 150 years old, with 10 trees per acre > 21" dbh and 1-3 snags per acre > 12-14" diameter. Downed logs may vary from abundant to absent. Canopies may be single or multilayered. Evidence of human-caused alterations to the stand will be absent or so slight as to not affect the ecosystem structures and functions. Old growth forests have high wildlife density and diversity. They are important for breeding habitat and seasonal ranges. Old growth forests are limited and declining and have a high vulnerability to habitat alteration.
Urban Natural Open Space	A priority species resides within or is adjacent to the open space and uses it for breeding and/or regular feeding. This habitat may also function as a corridor connecting other priority habitat areas, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 10 acres and is surrounded by urban development. Local consideration may be given to open space areas smaller than 10 acres. Urban Natural Open Space has comparatively high wildlife density and diversity, is important as a breeding habitat and is important as a movement corridor. These areas have limited availability and have a high vulnerability to habitat alteration.
Steppe	Relatively undisturbed areas as indicated by the dominance of native plants where grasses and forbs form the natural climax plant community. Steppe habitat has relatively high wildlife density and diversity, is important wildlife breeding habitat and important for seasonal range. This habitat has limited availability, high vulnerability to habitat alteration and supports unique and dependent species.
Shrub-Steppe	Large areas of relatively unfragmented shrub-steppe habitat, greater than 640 acres, should have a substantial amount of interior habitat. They should also contain a variety of habitat features (e.g., variety of topography, riparian areas, canyons, habitat edges, plant communities). Blocks should be relatively undisturbed, as indicated by a dominance of native vegetation. Portions may contain disturbed habitat. Shrub-steppe habitat supports comparatively high wildlife density and diversity, provides important wildlife breeding habitat and important seasonal ranges. This habitat has limited availability, high vulnerability to alteration and supports unique and dependent species.

White-tailed Deer Winter Range	Winter range is determined by a combination of factors: elevation, slope, aspect, snow depth, browse quality and quantity, presence of closed canopy mature forests, temperatures, and traditional deer movement patterns. Closed canopies of mature forests along streams are extremely important whitetail habitat.
Moose habitat	Aquatic feeding sites are found in areas of slow-moving water, ponds, swamps, and potholes which contain abundant submergent and emergent vegetation. Larger aquatic areas are preferred. These sites are characterized by a broad zone of hiding cover around the perimeter of the feeding site. Calving sites are characterized by roadless blocks of mature timber of 80 acres or greater which provide hiding cover and are adjacent to good forage where human disturbance is minimal.
Elk Habitat	Generally, the winter and summer ranges of a herd of elk are geographically separate. In eastern Washington, winter range consists of shrub-steppe, bunch grass of shrub plant communities adjacent to forest zones. Special features of elk habitat include corridors and wallows. These features are characterized by screening vegetation and lack disturbance. During hunting season elk seek the largest cover patches in their range. At other times of the year, smaller cover patches within 600 feet of forage areas are most important.
Wildlife Corridors	Wildlife corridors are landscape features that facilitate 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 dispersal 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.
Landscape Linkages	Landscape linkages differ from a movement corridor in that the complete range of community and ecosystem processes continue to operate within it through time. Plants and smaller animals are able to move between larger landscapes over a period of generations.

Priority Species	**Status**
Amphibians	
Spotted Frog	State and Federal Candidate
Birds	
American White Pelican	State Endangered
Ash-Throated Flycatcher	State Monitor
Bald Eagle	State and Federal Threatened
Black-backed Woodpecker	State Monitor
Blue Grouse	Game
Burrowing Owl	State Candidate

Cavity Nesting Ducks (includes Barrow's Goldeneye, Bufflehead, Common Goldeneye, Hooded Merganser and Wood Duck)	Game
Common Loon	State Candidate
Flammulated Owl	State Candidate
Golden Eagle	State Candidate
Grasshopper Sparrow	State Monitor
Great Blue Heron	State Monitor
Horned Grebe	State Monitor
Lewis Woodpecker	State Candidate
Long Billed Curlew	State Monitor
Merlin	State Monitor
Northern Goshawk	State Candidate
Osprey	State Monitor
Peregrine Falcon	State Endangered
Pileated Woodpecker	State Candidate
Red-necked Grebe	State Monitor
Sandhill Crane	State Endangered
Snowy Owl	State Monitor
Trumpeter Swan	Game
Upland Sandpiper	State Endangered
Vaux's Swift	State Candidate
Western Bluebird	State Candidate
Western Grebe	State Monitor
White-headed Woodpecker	State Candidate
Fish	

Rainbow Trout	Game
Mammals	
Elk	Game
Moose	Game
Marten	Game
Pigmy Shrew	State Candidate
Rocky Mountain Mule Deer	Game
White-tailed Deer	Game

Note: Definitions for species status are contained in the Washington Department of Fish and Wildlife Management Recommendations for Priority Species and in WAC 232.12.

B. Regulated Uses and Activities in Priority Habitats.

1. For the purposes of this article, the City of Liberty Lake may restrict the regulated uses and activities shown in Section 10-6B-1, subsection "D" which lie within a priority habitat by definition or within one-quarter mile of a point location (den or nest site) of a non-game priority species through the application of the performance standards contained in Section 10-6B-4, subsection "C" below.
2. In cases where differences in regulations occur because of overlapping priority habitats or buffer areas, the regulation which provides the greatest degree of protection shall apply.

C. Performance Standards for Regulated Uses and Activities.

1. A management plan, if required, will be used by the City of Liberty Lake to evaluate the impact of a use or activity on a priority habitat or species and may require mitigating measures to protect fish and wildlife based on the management plan recommendations.
2. Riparian Habitat Performance Standards.
    a. Except as otherwise specified, riparian areas shall be retained in their natural condition. Riparian vegetation in buffer areas shall not be removed except in the case of fire or disease unless there is no alternative. For lots or parcels with water frontage on type 2 or 3 waters, one view/access corridor to the ordinary high-water mark may be cleared of riparian vegetation as long as the view/access corridor does not exceed a width of twenty-five feet.
    b. Roads within riparian buffer areas shall be kept to a minimum and shall not run parallel to the water body. Crossings where necessary, shall cross riparian areas at as near right angles as possible. If no alternative exists to placement of a roadway within a riparian area, mitigation may be required. Mitigation measures shall be specified in a management plan and may include, but are not limited to:
        i. Fencing of riparian buffer area to protect remaining vegetation; and
        ii. Enhancement of remaining riparian buffer area through planting of native vegetation. Water crossings must be approved by the Washington State Department of Fish and Wildlife according to WAC 75.20.100.

c. Equestrian pedestrian/bike trails are permitted in riparian buffer areas but should be set back fifty feet from the ordinary high-water mark, if possible and shall be a maximum of fourteen feet in width.

d. Off-road motorized vehicle use in riparian buffers areas is prohibited.

e. Riparian buffer areas shall be established from the ordinary high-water mark. Water bodies classified by the water typing system (WAC-222-16-030) or if unclassified, as described below and in WAC-222-16-030, have the following buffer area requirements:

Water Type, General Description (see WAC-222-16-030)	**Riparian Buffer**
Type 1, Shorelines of Statewide Significance	250 feet
Type 2, Perennial stream with channel >20' wide	100 feet
Type 3, Perennial stream with channel >10' wide	100 feet
Type 4, Stream with channel <10', effects-quality of type 1, 2, or 3	75 feet
Type 5, Stream not classified as 1, 2, 3 or 4	25 feet*

* = No buffering requirement for type 5 streams when there is no connection to type 1, 2, 3 or 4 stream

f. The Zoning Administrator has the authority to reduce the buffer widths shown above by up to twenty-five percent if:

   i. A riparian buffer area is fenced to prevent damage to vegetation by livestock along its entire length; or

   ii. A riparian buffer area is enhanced using native plants including trees and shrubs according to a plan prepared in consultation with the Spokane County soil conservation district and the Washington State Department of Fish and Wildlife. The plan shall include numbers and species of plants, a planting schedule and maintenance agreement to insure long-term survival.

g. The Zoning Administrator has the authority to increase the buffer widths shown above by up to twenty-five percent on a case-by-case basis when a larger buffer is necessary to protect the fish and wildlife using the stream and riparian area. This determination shall be supported by appropriate documentation showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the stream and riparian area as indicated by meeting one or both of the following criteria:

   i. The land adjacent to the water is susceptible to severe erosion and other erosion control measures will not prevent adverse impacts.

   ii. The land adjacent to the water has minimal vegetative cover or slopes greater than thirty percent.

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

   i. Averaging will provide the necessary biological, chemical, and physical support

necessary to protect the fish and wildlife using the riparian area in question, taking into account the type, intensity, scale and location of the proposed activity.

ii. The riparian area contains variations in sensitivity due to existing physical characteristics which justify the averaging;

iii. The land uses causing the least disturbance would be located adjacent to areas where the buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

iv. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

3. Wetland habitat performance standards shall be according to the provisions of Section 10-6B-3.

4. All development proposals shall follow the bald eagle protection rules (RCW 77.12.655 and WAC 232.12.292), as now or hereafter amended, when the proposal is likely to have a direct impact on the habitat of the bald eagle.

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

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

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

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

f. Existing structures and landscape features including the name and location of all water bodies;

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

2. A report which contains:

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

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

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

i. Establishment of buffer areas;

ii. Preservation of critically important plants and trees;

iii. Limitation of access to habitat area;

iv. Seasonal restriction of construction activities;

v. Clustering of development and preservation of open space;

vi. Signs marking habitats or habitat buffer areas;

vii. Title notice or plat dedication warning statements;

viii. Conservation easements.

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

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

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

f. Habitats and Species of Local Importance. In addition to the priority habitats and species recognized by WDFW, a process is provided for listing or delisting other habitats and species that are important locally to the people of Liberty Lake. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, City staff, non- profit organization or interested

citizen. Any such request shall be in writing and shall include:

i. The common and scientific name for a species under consideration;

ii. Habitat location on a map (scale 1:24,000);

iii. Demonstrate a need for special consideration based on:

aa. Declining or increasing population,

bb. Sensitivity to habitat manipulation, o

cc. Commercial or game value or other special value, such as public appeal;

dd. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas, and other guidelines necessary for the protection of the species;

ee. Reasons for the species/habitat to be designated or deleted from designation as a priority habitat or species;

ff. Name and address of the nominator, along with a statement of support for the nomination signed by the owner of the property on which the habitat is located;

gg. Other Supporting Documentation. Submitted proposals will be reviewed by City staff, WDFW and/or other local, state, or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies.

A public hearing shall be held for proposals found to be completed and approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this article afforded other priority habitats and species.

g. Incentives and Stewardship Options. A variety of incentives and stewardship options which are available for preservation of priority habitats are presented in Section 10-6B-8 below.

10-6B-5 Geologically Hazardous Areas

A. Classification Characteristics. Geologically hazardous areas shall include both erosion and landslide hazard areas and be determined by the following characteristics:

1. Erosion and/or landslide hazard areas in the City shall contain at least one of the following characteristics:

a. A slope of thirty percent or greater;

b. Soils identified by Natural Resource Conservation Service as having a severe potential for erosion (see Section 10-6B-5, subsection "B" below);

c. Hydraulic factors such as existing on-site surface and groundwater or changes in hydraulic factors, caused by proposals that create a severe potential for erosion or landslide hazard;

d. Areas that historically have been prone to land sliding (areas adjacent to lakes, streams, springs) or any one of the following geologic formations: alluvium, landslide deposit, Latah formation;

e. Areas of uncompacted fill;

f. Areas that are unstable as a result of rapid stream or stream bank erosion.

B. Building Site Development Water Erosion Hazard. Prepared July 1994 by: USDA-Natural Resource Conservation Service Rock Pointe Tower II
316 W. Boone Ave., Suite 450, Spokane, WA. 99201-2348

Water erosion can be predicted or estimated using the Universal Soil Loss Equation (USLE). The USLE equation estimates or predicts tons of soil loss per acre per year with the formula A = RKLSCP

A = Estimate average annual erosion (tons/acre/yr.)

R = Rainfall factor (rainfall plus snow melt) K = Soil erodibility factor
L = Length of slope S = Percent slope
C = Cover factor (vegetation, mulch, etc.)
P = Conservation practices factor (terraces, etc.

A modified version of USLE was used to estimate erosion hazard for building site development. The C and P of the USLE equation are erosion management factors. Depending on the type of management applied they have values from near zero (0) to one (1). The value 1 represents no management applied that benefits erosion reduction.

Management factors (C and P) are not used when identifying the erosion hazard of map units for land use planning. This enables identification of the soil map unit's inherent erosion hazard potential that can aid in planning.

R factor is related to how much rainfall occurs and when. The higher the annual precipitation the higher the R factor. For the Spokane area an R of 54 was used.

K soil erodibility factor is the soils susceptibility of soil detachment by water. The soils K factor is based on the relationship of five soil factors; 1) percent silt plus very fine sand, 2) percent sand greater than 0.10 mm, 3) organic matter content, 4) soil structure, and 5) permeability. K factor values range from 0.02 to 0.64.

L and S are used together and are referred to as the LS factor. The L part is the length of Slope, which is the distance from a point of origin of overland flow to the point where the slope gradient decreases enough that deposition begins or where runoff water enters a well-defined channel that may be part of a drainage network. The S part is the percent slope between two points.

LS value is the relationship between the length of slope and steepness of slope. For example, LS for slope lengths of 50 feet are .76 at 8 percent slope, 1.01 at 12 percent slope, and 1.42 at 20 percent slopes (see table below).

The LS value is the value at the intersection of the length of slope and percent slope. Slope length is the distance in feet of an uninterrupted uniform slope.

See Table, Section 10-6B-5, subsection "C" below:

The Building Site Development Water Erosion Hazard Table was created using the modified version of USLE. Soft loss from water erosion was calculated for various soil K factors at slope groups of 0 to 8 percents, 8 to 15 percent and more than 15 percent. It is assumed that construction will expose the soil surface for a period of 3 to 6 months.

Using the estimated erosion for the period of time the soil is exposed, an index based on K factor and slope was calculated. This index is then used to assign erosion hazard ratings of slight,

moderate, or severe. The index is a product of K times the average slope of the soil map unit (K*ave slope). Slight has an index of less than or equal to 3.0 (less than 5 tons/acre/yr.), moderate has an index of 3.0 to 4.0 (5 to 8 tons/acre/yr.), and severe has an index of greater than 4.0 (greater than 8 tons/acre/yr.). Only soils with a severe rating are shown on the table that follows.

The Building Site Development Water Erosion Hazard Table for Spokane County provides a tool for broad land use planning and identifying areas with developmental concerns. The information, however, has limitations. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil. The information is not site specific and does not eliminate the need for on-site investigation of the soils.

Soil Survey Spokane County, Washington 7/6/94

Map Symbol	Map Unit Name	Erosion Factors		Erosion Hazard
		K	T	
AaC	ATHENA SILT LOAM, 5 to 30 % SLOPES	0.37	5	severe
AaD	ATHENA SILT LOAM, 30 to 55 % SLOPES	0.37	5	severe
AaE	ATHENA SILT LOAM, 55 to 70 % SLOPES	0.37	5	severe
AaD	ATHENA SILT LOAM, 5 to 55 % SLOPES	0.37	5	severe
AlC	ATHENA-LANCE SILT LOAMS, 0 to 30 % SLOPES	0.37	5	severe
AlD	ATHENA-LANCE SILT LOAMS, 30 to 55 % SLOPES	0.37	5	severe
BaB	BERNHILL SILT LOAM, 0 to 20 % SLOPES	0.43	5	severe
BaC	BERNHILL SILT LOAM, 20 to 30 % SLOPES	0.43	5	severe
BaD	BERNHILL SILT LOAM, 30 to 55 % SLOPES	0.43	5	severe
BbB	BERNHILL SILT LOAM, MODERATELY SHALLOW 30 to 55 % SLOPES	0.37	2	severe
BfD	BERNHILL VERY STONY SILT LOAM, 20 to 55 % SLOPES	0.24	5	severe
BhD	BERNHILL SOILS, 20 to 55 % SLOPES	0.24	5	severe
BkC	BERNHILL VERY ROCKY COMPLEX, 0 to 30 % SLOPES	0.43	5	severe
BkD	BERNHILL VERY ROCKY COMPLEX, 30 to 55 % SLOPES	0.43	5	severe
BrC	BONG AND PHOEBE COARSE SANDY LOAMS, 20 to 30 % SLOPES	0.24	5	severe
BxD	BRICKEL STONY LOAM, 20 to 55 % SLOPES	0.24	2	severe
CeB	CEDONIA SILT LOAM, 5 to 20 % SLOPES	0.37	5	severe
CeC3	CEDONIA SILT LOAM, 20 to 30 % SLOPES, SEVERELY ERODED	0.37	5	severe
CtB	CLAYTON LOAM, 5 to 20 % SLOPES	0.37	3	severe
DaB	DREARYTON SILT LOAM, 5 to 20 % SLOPES	0.32	3	severe
DaC	DREARYTON SILT LOAM, 20 to 40 % SLOPES	0.32	3	severe
DrC	DRAGOON SILT LOAM, 0 to 30 % SLOPES	0.37	2	severe

DsC	DRAGOON STONY SILT LOAM, 0 to 30 % SLOPES	0.32	2	severe
DsD	DRAGOON STONY SILT LOAM, 30 to 55 % SLOPES	0.32	2	severe
DvD	DRAGOON VARIANT, VERY ROCKY COMPLEX 20 to 50 % SLOPES	0.37	1	severe
EID	ELOIKA VERY STONY SILT LOAM, 30 to 55 % SLOPES	0.24	3	severe
FaB	FREEMAN SILT LOAM, 30 to 55 % SLOPES	0.32	5	severe
FAB3	FREEMAN SILT LOAM, 5 to 20 % SLOPES, SEVERELY ERODED	0.32	5	severe
FaC3	FREEMAN SILT LOAM, 20 to 30 % SLOPES, SEVERELY ERODED	0.32	5	severe
GaC3	GARDFIELD SILTY CLAY LOAM, 0 to 30 % SLOPES, SEVERELY ERODED	0.32	5	severe
GpB	GLENROSE SILT LOAM, 5 to 20 % SLOPES	0.32	5	severe
GpC	GLENROSE SILT LOAM, 20 to 30 % SLOPES	0.32	5	severe
GpD	GLENROSE SILT LOAM, 30 to 55 % SLOPES	0.32	5	severe
GrD	GLENROSE SILT LOAM, 20 to 55 % SLOPES	0.24	5	severe
GsD	GLENROSE STONY SILT LOAM, 20 to 55 % SLOPES	0.32	5	severe
GtB	GREEN BLUFF SILT LOAM, 5 to 20 % SLOPES	0.32	5	severe
HfC	HAGEN LOAMY FINE SAND, 0 to 30 % SLOPES	0.32	5	severe
HvD	HESSELTINE VERY ROCKY COMPLEX, 30 to 55 % SLOPES	0.10	1	severe
LaD	LAKESOL SILT LOAM, 20 to 55 % SLOPES	0.32	5	severe
LeB	LAKETON SILT LOAM, 5 to 20 % SLOPES	0.37	5	severe
LmC	LANCE SILT LOAM, 0 to 30 % SLOPES	0.55	5	severe
LmC3	LANCE SILT LOAM, 0 to 30 % SLOPES, SEVERELY ERODED	0.55	5	severe
LnB2	LARKING SILT LOAM, 5 to 20 % SLOPES, ERODED	0.32	5	se
LnD2	LARKING SILT LOAM, 20 to 45 % SLOPES, ERODED	0.32	2	severe
MmC	MOSCOW SILT LOAM, 0 to 30 % SLOPES	0.32	2	severe
MmD	MOSCOW SILT LOAM, 30 to 55 % SLOPES	0.32	2	severe
MoC	MOSCOW SILT LOAM, SHALLOW, 0 to 30 % SLOPES	0.37	1	severe
MoD	MOSCOW SILT LOAM, SHALLOW, 30 to 55 % SLOPES	0.37	1	severe
MsC	MOSCOW VERY ROCKY COMPLEX, 0 to 30 % SLOPES	0.37	1	severe

MsE	MOSCOW VERY ROCKY COMPLEX, 30 to 70 % SLOPES	0.37	1	severe
NaC	NAFF SILT LOAM, 5 to 30 % SLOPES	0.32	5	severe
NaC2	NAFF SILT LOAM, 5 to 30 % SLOPES, ERODED	0.32	5	severe
NaC3	NAFF SILT LOAM, 0 to 30 % SLOPES, SEVERELY ERODED	0.32	5	severe
NaD2	NAFF SILT LOAM, 30 to 45 % SLOPES, ERODED	0.32	5	severe
NpB	NEZ PERCE SILT LOAM, 5 to 20 % SLOPES	0.32	5	severe
NpB3	NEZ PERCE SILT LOAM, 5 to 20 % SLOPES, SEVERELY ERODED	0.32	5	severe
PaC	PALOUSE SILT LOAM, MODERATELY SHALLOW, 20 to 30 % SLOPES	0.32	2	severe
PbC2	PALOUSE SILT LOAM, 5 to 30 % SLOPES, ERODED	0.32	5	severe
PcE	PALOUSE VERY ROCKY COMPLEX, 30 to 70 % SLOPES	0.10	1	severe
RdB	REARDAN SILT LOAM, 5 to 20 % SLOPES	0.37	3	severe
RdB2	REARDAN SILT LOAM, 5 to 20 % SLOPES, ERODED	0.37	3	severe
RdC2	REARDAN SILT LOAM, 20 to 30 % SLOPES, ERODED	0.37	3	severe
SaC	SCHUMACHER SILT LOAM, 20 to 30 % SLOPES	0.32	3	severe
SaC2	SCHUMACHER SILT LOAM, 20 to 30 % SLOPES, ERODED	0.32	3	severe
SaD	SCHUMACHER SILT LOAM, 30 to 55 % SLOPES	0.32	3	severe
ScD	SCHUMACHER GRAVELLY SILT LOAM, 30 to 55 % SLOPES	0.20	3	severe
ScD2	SCHUMACHER GRAVELLY SILT LOAM, 30 to 55 % SLOPES, ERODED	0.20	3	severe
SnC	SNOW SILT LOAM, 5 to 30 % SLOPES	0.32	5	severe
SoE	SPEIGLE VERY STONY SILT LOAM, 30 to 70 % SLOPES	0.20	5	severe
SpC	SPOKANE LOAM, 0 to 30 % SLOPES	0.28	2	severe
SpD	SPOKANE LOAM, 30 to 55 % SLOPES	0.28	2	severe
SrE	SPOKANE STONY LOAM, 30 to 70 % SLOPES	0.24	2	severe
SsC	SPOKANE COMPLEX, 0 to 30 % SLOPES	0.28	2	severe
SsE	SPOKANE COMPLEX, 30 to 70 % SLOPES	0.28	2	severe
StE	SPOKANE VERY ROCKY COMPLEX, 30 to 70 % SLOPES	0.28	2	severe
SuE	SPOKANE EXTREMELY ROCKY COMPLEX, 20 to 70 % SLOPES	0.24	2	severe

SzE	SPRINGDALE GRAVELLY LOAMY SAND, 30 to 70 % SLOPES	0.10	5	severe
TeC	TEKOA GRAVELLY SILT LOAM, 20 to 30 % SLOPES	0.24	2	severe
TeD	TEKOA GRAVELLY SILT LOAM, 30 to 55 % SLOPES	0.24	2	severe
TkD	TEKOA VERY ROCKY COMPLEX, 25 to 55 % SLOPES	0.24	2	severe
UhB	UHLIG SILT LOAM, 5 to 20 % SLOPES	0.37	5	severe
UmC	UHLIG VARIANT SILT LOAM, MODERATELY SHALLOW, 5 to 30 % SLOPES	0.37	2	severe
VaC	VASSAR SILT LOAM, 0 to 30 % SLOPES	0.32	3	severe
VaD	VASSAR SILT LOAM, 30 to 55 % SLOPES	0.32	3	severe
VsD	VASSAR VERY ROCKY SILT LOAM, 20 to 55 % SLOPES	0.32	3	severe

C. Slope Length (LS Values).

Percent Slope	Slope Length In Feet																				
	25	50	75	100	110	120	130	140	150	160	180	200	225	250	300	325	350	400	425	450
.50	.08	.11	.13	.16	.16	.17	.18	.18	.19	.20	.21	.22	.23	.25	.27	.28	.29	.31	.32	.33
1.0	.13	.18	.22	.25	.27	.28	.29	.30	.31	.32	.34	.36	.38	.40	.44	.46	.47	.51	.52	.54
2.0	.21	.29	.36	.41	.43	.45	.47	.49	.50	.52	.55	.58	.62	.65	.71	.74	.77	.82	.85	.87
3.0	.27	.39	.47	.55	.57	.60	.62	.65	.67	.69	.73	.77	.82	.86	.94	.98	1.02	1.09	1.12	1.16
4.0	.33	.47	.58	.67	.70	.73	.76	.79	.82	.84	.89	.94	1.00	1.05	1.15	1.20	1.25	1.33	1.37	1.41
5.0	.39	.55	.67	.78	.82	.85	.89	.92	.95	.99	1.04	1.10	1.17	1.23	1.35	1.40	1.46	1.56	1.61	1.65
6.0	.44	.63	.77	.88	.93	.97	1.01	1.05	1.08	1.12	1.19	1.25	1.33	1.40	1.53	1.59	1.65	1.77	1.82	1.88
7.0	.49	.70	.85	.98	1.03	1.08	1.12	1.16	1.21	1.24	1.32	1.39	1.48	1.56	1.70	1.77	1.84	1.97	2.03	2.09
8.0	.54	.76	.93	1.08	1.13	1.18	1.23	1.28	1.32	1.37	1.45	1.53	1.62	1.71	1.87	1.95	2.02	2.16	2.23	2.29
9.0	.59	.83	1.01	1.17	1.23	1.28	1.34	1.39	1.43	1.48	1.57	1.66	1.76	1.85	2.03	2.11	2.19	2.34	2.41	2.48
10.0	.63	.89	1.09	1.26	1.32	1.38	1.44	1.49	1.54	1.59	1.69	1.78	1.89	1.99	2.18	2.27	2.36	2.52	2.60	2.67
12.0	.71	1.01	1.24	1.43	1.50	1.56	1.63	1.69	1.75	1.81	1.91	2.02	2.14	2.26	2.47	2.57	2.67	2.85	2.94	3.03
14.0	.79	1.12	1.37	1.58	1.66	1.74	1.81	1.88	1.94	2.00	2.13	2.24	2.38	2.51	2.75	2.86	2.97	3.17	3.27	3.36
16.0	.87	1.23	1.50	1.73	1.82	1.90	1.98	2.05	2.12	2.19	2.33	2.45	2.60	2.74	3.00	3.13	3.24	3.47	3.57	3.68
18.0	.94	1.33	1.62	1.88	1.97	2.05	2.14	2.22	2.30	2.37	2.52	2.65	2.81	2.97	3.25	3.38	3.51	3.75	3.87	3.98
20.0	1.01	1.42	1.74	2.01	2.11	2.20	2.29	2.38	2.46	2.54	2.70	2.84	3.02	3.18	3.48	3.62	3.76	4.02	4.14	4.26
22.0	1.07	1.51	1.85	2.14	2.24	2.34	2.44	2.53	2.62	2.71	2.87	3.02	3.21	3.38	3.70	3.86	4.00	4.28	4.41	4.54
24.0	1.13	1.60	1.96	2.26	2.37	2.48	2.58	2.68	2.77	2.86	3.03	3.20	3.39	3.58	3.92	4.08	4.23	4.52	4.66	4.80
26.0	1.19	1.68	2.06	2.38	2.49	2.60	2.71	2.81	2.91	3.01	3.19	3.36	3.57	3.76	4.12	4.29	4.45	4.76	4.90	5.04
28.0	1.24	1.76	2.16	2.49	2.61	2.73	2.84	2.95	3.05	3.15	3.34	3.52	3.73	3.94	4.31	4.49	4.66	4.98	5.13	5.28
30.0	1.30	1.84	2.25	2.60	2.72	2.84	2.96	3.07	3.18	3.28	3.48	3.67	3.89	4.10	4.50	4.68	4.86	5.19	5.35	5.51
32.0	1.35	1.91	2.34	2.70	2.83	2.96	3.08	3.19	3.30	3.41	3.62	3.81	4.05	4.27	4.67	4.86	5.05	5.40	5.56	5.72
34.0	1.40	1.98	2.42	2.79	2.93	3.06	3.19	3.31	3.42	3.53	3.75	3.95	4.19	4.42	4.84	5.04	5.23	5.59	5.76	5.93
36.0	1.44	2.04	2.50	2.89	3.03	3.16	3.29	3.42	3.54	3.65	3.87	4.08	4.33	4.56	5.00	5.20	5.40	5.77	5.95	6.12
38.0	1.49	2.10	2.58	2.97	3.12	3.26	3.39	3.52	3.64	3.76	3.99	4.21	4.46	4.70	5.15	5.36	5.57	5.95	6.13	6.31
40.0	1.53	2.16	2.65	3.06	3.21	3.35	3.49	3.62	3.75	3.87	4.10	4.33	4.59	4.84	5.30	5.51	5.72	6.12	6.31	6.49
42.0	1.57	2.22	2.72	3.14	3.29	3.44	3.58	3.71	3.84	3.97	4.21	4.44	4.71	4.96	5.44	5.66	5.87	6.28	6.47	6.66
44.0	1.61	2.27	2.78	3.21	3.37	3.52	3.66	3.80	3.94	4.07	4.31	4.55	4.82	5.08	5.57	5.79	6.01	6.43	6.63	6.82
46.0	1.64	2.32	2.85	3.29	3.45	3.60	3.75	3.89	4.02	4.16	4.41	4.65	4.93	5.20	5.69	5.92	6.15	6.57	6.77	6.97
48.0	1.68	2.37	2.91	3.35	3.52	3.67	3.82	3.97	4.11	4.24	4.50	4.74	5.03	5.30	5.81	6.05	6.28	6.71	6.92	7.12
50.0	1.71	2.42	2.96	3.42	3.59	3.75	3.90	4.05	4.19	4.32	4.59	4.84	5.13	5.41	5.92	6.16	6.40	6.84	7.05	7.25
52.0	1.74	2.46	3.01	3.48	3.65	3.81	3.97	4.12	4.26	4.40	4.67	4.92	5.22	5.50	6.03	6.27	6.51	6.96	7.17	7.38
54.0	1.77	2.50	3.06	3.54	3.71	3.88	4.03	4.19	4.33	4.48	4.75	5.00	5.31	5.59	6.13	6.38	6.62	7.08	7.29	7.51
56.0	1.80	2.54	3.11	3.59	3.77	3.94	4.10	4.25	4.40	4.54	4.82	5.08	5.39	5.68	6.22	6.48	6.72	7.19	7.41	7.62
58.0	1.82	2.58	3.16	3.64	3.82	3.99	4.16	4.31	4.46	4.61	4.89	5.15	5.47	5.76	6.31	6.57	6.82	7.29	7.51	7.73
60.0	1.85	2.61	3.20	3.69	3.87	4.05	4.21	4.37	4.52	4.67	4.95	5.22	5.54	5.84	6.40	6.66	6.91	7.39	7.61	7.83

D. Identification and Mapping. Data sources are available from the City of Liberty Lake that are used in the mapping of the characteristics for geologically hazardous areas. The existing map sources provide a general level of information and are not intended to pinpoint erosion or landslide hazards on individual sites or properties. Specific information may be provided by the applicant that indicates characteristics are not present on the site or that the proposal is not located within nor will impact a geologically hazardous area. In addition, there may be areas not designated on City maps that exhibit the characteristics of geologically hazardous areas. It is the intent of this article to require all areas which meet the classification characteristics of geologically hazardous areas

to meet the requirements of this article. Lands that meet the classification characteristics for erosion and landslide hazard areas are mapped and used to flag areas within the City that have a high probability to meet the classification characteristics. The geologically hazardous areas maps shall be updated as more accurate information becomes available to aid the public and project reviewers. Classification characteristics are identified as follows:

1. Soil characteristics are identified as those areas containing soils which according to the U.S. Department of Agricultural Soil Conservation Service (SCS) Classification System may experience severe to very severe erosion based on a formula which is based on several factors including rainfall, slope, soil erodibility and other factors. The formula and a listing of soils which have a severe potential for erosion are listed in Section 10-6B-5, subsection "B" above. Landslide hazard areas are based on a combination of geologic, topographic (slope) and hydraulic factors and have a high susceptibility to landslides.
2. Geologic characteristics are areas identified and described by the Washington State Department of Natural Resources and include:
    a. Alluvium;
    b. Landslide deposits;
    c. Latah formation.
3. Topographic characteristics include areas with severe site topography or slopes of thirty percent or greater and have a severe potential for erosion and/or landslide hazards.
4. Other Characteristics. Hydraulic features include surface and groundwater conditions and the hydraulic changes resulting from a proposal. Uncompacted fill-areas or steep- cuts as a result of site grading, construction activities, or resource extraction.

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

1. City of Liberty Lake Municipal Code Title 9 - Building Regulations.
2. City of Liberty Lake Municipal Code Title 10 - Development Code.
3. Applicable Flood Hazard Regulations.
4. If the regulations noted above do not provide adequate mitigation of impacts as determined by the Zoning Administrator, then a geo-hazard mitigation plan prepared by a qualified landslide or erosion specialist shall be required.

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

1. Geo-hazard Mitigation Plans. When the Zoning Administrator determines that the impact of a use or activity located in a geo-hazard area cannot be mitigated through standards identified in Section 10-6B-5, subsection "E" above, a geo-hazard mitigation plan shall be prepared to identify construction standards for the proposal. Geo-hazard mitigation plans shall conform to City guidelines for stormwater management, or any subsequent regulation adopted by the City of Liberty Lake providing erosion and landslide protection. A geo-hazard mitigation plan, prepared by a qualified landslide or erosion specialist, shall be prepared for building permits, road construction, utilities, and storm drainage facility installations within a geo-hazard area.
2. Geo-hazard Evaluation, Preliminary Report. A geo-hazard evaluation or feasibility report shall be prepared by a qualified landslide or erosion specialist and submitted with applications for preliminary plats, short plats, PUDs, binding site plans; zone reclassifications, conditional use permits, variances, manufactured home park site plans, or topsoil removal permits located in

geologic hazard areas.

The geo-hazard evaluation shall document the extent and nature of geo-hazard on the subject property and shall provide mitigating measures and an assessment of geo- hazards associated with the proposal. A more detailed geo-hazard mitigation plan may be required at the time of building permit application or actual construction approvals.

3. Subdivision Dedication Notice. Final subdivisions, short plats, and binding site plans located within geo-hazard areas shall contain language in the plat dedication to indicate lots or portions of lots that are affected by geo-hazards.

   In addition, building setback lines may be drawn on lots, parcels, and tracts so as to indicate suitable areas for construction of structures or improvements.

10-6B-6 Critical Aquifer Recharge Areas

The City of Liberty Lake designates areas and adopts development regulations for the purpose of protecting areas within the City that are critical to maintaining ground water recharge and quality. This section specifies the requirements to be enacted when regulated development within these areas is proposed to occur. This section applies to any person, firm, or corporation, which establishes or proposes to establish new, expanded, enlarged, or different land use or activity identified in Section 10-6B-6, subsection "B" below, within designated critical aquifer recharge areas in the City of Liberty Lake.

A. Designation and Rating.

1. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water as defined by section 365-190-030(2) WAC. Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.
2. Aquifer recharge areas are rated as having a high, moderate, or low susceptibility based on a scientific analysis of soils, hydraulic conductivity (the ease with which water moves between the surface and aquifers), annual rainfall, the depth to aquifers, the importance of the material between soils and aquifers (Vadose zone), and wellhead protection information. See Section 10-6B-6, subsection "F", for an explanation of the aquifer susceptibility map.
3. If a parcel lies within two or more susceptibility rating designations, the higher susceptibility rating designation shall apply to the whole parcel.
4. Designated wellhead protection areas and areas within a one-thousand-foot radius of wells without reported plans, are additionally treated as high-susceptibility areas. As wellhead protection plans are completed for wells, the one-thousand-foot radius placeholder will be replaced by the Washington State Department of Health-certified wellhead protection area.

B. Uses and Activities Regulated in Critical Aquifer Recharge Areas. The table below establishes the following uses and activities regulated by the requirements of this section. This table should be interpreted with the corresponding performance standards set forth in Section 10-6B-6, subsection "C".

Regulated Uses & Activities in Critical Aquifer Recharge Areas

(*some uses may not be permitted by the underlying zone, see Chapter 2 of this Code*)

USES and ACTIVITIES regulated in Critical Aquifer Recharge Areas	**Aquifer Susceptibility Rating (See Aquifer Susceptibility-Map)**		
	High ***	**Medium**	**Low**
Biosolids land application	N	L-1	L-1
Critical Material storage, handling, generating, or use	L-2, L-3	L-2, L-3	L-2, L-3**
Cultivation of land (commercial)	L-1	L-1	P
Dairy	L-1*	L-1	L-1
Feed lot	N	L-1	L-1
Feed mill	L-2	L-2	P
Floriculture (flower growing)	L-1	L-1	P
Grazing	L-1	L-1	P
Greenhouse - commercial	L-1	L-1	P
Horse boarding and training	L-1	L-1	P
Horticulture (vegetable growing)	L-1	L-1	P
Landfill, demolition, inert	N	L-6	L-5
Landfills (all others)	N	N	L-5
Large Animal raising and/or keeping	L-1	L-1	P
Nursery - wholesale	L-1	L-1	P
Orchard	L-1	L-1	P
Poultry-raising, commercial	N	L-1	L-l
Riding stable	L-1	L-1	P
Sanitary waste discharge	L-2, L-3	L-2, L-3	L-2, L-3
Stormwater disposal systems	L-4	L-4	L-4
Tree farming	L-1	L-1	P
Truck gardening	L-1	L-1	P
Vineyard	L-1	L-1	P

Index:
Uses and activities listed above are defined in Article 10-1C and Chapter 2 of this Code. Some uses listed here may not be permitted within the underlying zone, as defined in Chapter 2.
P = Permitted if the use is permitted in the underlying zone (see Chapter 2). N = Not permitted.
L = Limited Uses. These uses are permitted if they are allowed by the underlying zone and they comply with the standards of this section, as well as the underlying zone (see Chapter 2), and the corresponding performance standards listed in Section 10-6B-6, subsection "C" below.

* A hydrogeologic study is required for this use.
** When there are low susceptibility areas hydrologically connected to medium and high- susceptibility areas, the regulations for medium or high susceptibility areas apply. Hydrologic connection is determined by a hydrogeologic study.
*** Designated wellhead protection areas and areas within a one-thousand-foot radius of wells without reported plans, are additionally treated as high aquifer susceptibility areas.

C. Performance Standards for Uses and Activities in Critical Aquifer Recharge Areas. The following are the performance standards applicable to the uses and activities listed in the table in Section 10-6B-6, subsection "B" above. The uses and activities are defined in Article 10-1C and Chapter 2 of this Code.

L-1 Agriculture:

1. Agricultural practices that impact critical aquifer recharge areas shall be mitigated by having a conservation plan prepared and the subject property shall be required to comply with approved land management and/or conservation practices that protect groundwater, as set forth in the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Technical Guides, and all local, state, and federal regulations and their amendments

governing agricultural practices. The NRCS technical guide is available at the local field office of the Natural Resource Conservation Service.

2. Agricultural practices that are accessory to a primary residential use, including animal raising and/or keeping, and that exist for the personal enjoyment of the property resident, shall be exempt, and this subsection shall be advisory only as to those accessory agricultural practices.

L-2 Critical Materials Storage, Handling, Generating or Use:

Critical materials subject to the following performance standards are set forth in the critical materials list adopted and amended pursuant to Title 9 - Building Regulations, as amended, of the City of Liberty Lake Municipal Code.

1. All facilities related to the use of critical materials shall be designed so that:
    a. Any spilled or leaked critical materials are contained on site;
    b. Any spilled or leaked critical materials cannot infiltrate into the ground; and
    c. No disposal of any waste containing critical materials shall be allowed on site.
2. Stormwater draining facilities in areas where critical material spills could occur shall be designed so that:
    a. Mingling of stormwater and spilled critical materials is prevented; and
    b. Spill cleanup procedures are enhanced.
3. Underground storage tanks used for containing critical material shall be installed and maintained according to the provisions in Title 9 - Building Regulations, as amended, of the City of Liberty Lake Municipal Code.
    a. Surface or subsurface disposal of a critical material is prohibited.

L-3 Wastewater Disposal:

1. General Performance standards. Critical material use activities that produce a process waste instead of or in addition to sanitary waste shall utilize one of the following methods for waste management and disposal:
    a. Separate waste disposal systems shall be provided so those sanitary and process wastes are handled separately. The process waste shall be disposed of by collection in sealed holding tanks and shall be transported and disposed of at a site licensed for disposal of this effluent. An agreement to dispose of process waste under this section shall be recorded in the Spokane County auditor’s office and shall not be removed without approval by the City of Liberty Lake.
    b. Sanitary and/or process waste waters shall be managed in compliance with a valid authorization from a Publicly Owned Treatment Works (POTW), which shall include any required pretreatment or monitoring;
    c. Sanitary and/or process wastewaters shall be managed in compliance with a valid surface water discharge permit, which is obtained from the Washington State Department of Ecology.
2. Performance standards for new development.
    a. Public sewer services consistent with the adopted levels of service and concurrency requirements set forth in the City of Liberty Lake Comprehensive Plan and this Development Code, or as amended, are required for all new development.

L-4 Stormwater disposal.

1. Development shall provide for the treatment of stormwater run-off from impervious surfaces in a manner consistent with Article 10-3H. Stormwater Management, as amended, including the Stormwater Management Manual for Eastern Washington.
2. Direct injection wells without an associated drainage swale or drainage swale system for stormwater disposal within five hundred feet of wellhead protections areas are prohibited.

L-6 Landfill.

All landfills shall comply with Chapters 173-304 and 173-351 WAC and shall be approved by the Spokane Regional health district and the Washington State Department of Ecology.

D. Procedures for Hydrogeologic Report/Study.

When a use or activity identified in Section 10-6B-6, subsection "B" above is proposed, it shall be subject to the following:

1. The property shall be reviewed for susceptibility of the aquifer and whether mitigation measures for ground water protection are required. The aquifer susceptibility map serves as the first level for review. Section 10-6B-6, subsection "C" above establishes the minimum mitigation required.
2. The City may require an applicant to submit a hydrogeologic report if:
    a. There is insufficient groundwater information to perform an adequate review to assure aquifer protection; or
    b. There is evidence of groundwater degradation or known groundwater contamination in the vicinity of a proposed project, and the project could influence or be influenced by the water quality degradation (for example, the identified quality degradation may render the proposed water source unusable or the proposed project may add to existing quality degradation and may render some other users' water source unusable).

    An applicant may also voluntarily submit a site-specific hydrogeologic report to evaluate the aquifer susceptibility to contamination from a project site.
3. The City, in consultation with agencies of expertise, shall review and accept or reject the hydrogeologic report.
4. The City may approve or deny a proposed project based on the information in the hydrogeologic report or may adjust the aquifer susceptibility rating of the site and apply appropriate mitigation measures provided for in Section 10-6B-6, subsection "C" above.
5. A hydrogeologic report may recommend alternative mitigation measures that the City may approve, provided the measures give equal or greater protection to the aquifer.
6. A qualified geologist shall prepare the hydrogeologic report. The report shall include, but is not limited to, the following information:
    a. A site location map that depicts the site and land parcels within one thousand feet of the site. The map shall include roads, topography, existing and proposed structures and shall identify land uses within one thousand feet of the boundaries of the site.
    b. Geologic setting, including well logs and other well information for wells within one thousand feet of the boundaries of the site.
    c. Any current available data on any springs or seeps within one thousand feet of the

boundaries of the site.

d. Background water quality data.

e. Water source/supply to facility.

f. Any sampling schedules necessary.

g. An analysis of aquifer susceptibility to include:

i. Soil types (from the Natural Resources Conservation Service Soil Survey of Spokane County);

ii. Hydraulic conductivity;

iii. Annual recharge;

iv. Depth to water (the depth to the water-bearing zone, not the potentiometric surface);

v. Importance of the Vadose Zone based on the geology above the aquifer;

vi. Discussion of the effects of the proposed project on groundwater resources;

vii. Discussion of potential mitigation measures if the proposed project should have an adverse impact on groundwater resources; and

viii. Other information as required by the City in consultation with other agencies of expertise.

h. Depth/location of any perched water tables or geological features that could form perched water tables if recharge is increased.

i. Groundwater flow direction and gradient.

7. An applicant may elect to meet the appropriate performance standards in lieu of preparing a hydrogeologic report if the City finds the performance standards provide adequate aquifer protection.

E. Monitoring and Reporting.

1. The Zoning Administrator may require a monitoring program as a condition of approval to document compliance with permit conditions and to determine whether the project contributes to water quality degradation.

2. Monitoring shall be by a qualified individual as determined by Zoning Administrator and shall be paid for by the applicant.

3. Staff shall periodically review monitoring programs to determine compliance with conditions of approval in cooperation with the Spokane Regional health district, Spokane aquifer joint board, and other agencies responsible for aquifer protection.

4. For critical material users, the Zoning Administrator shall establish a periodic inspection program to determine compliance with permit requirements and the provisions of this article.

F. Explanation of Aquifer Susceptibility Map - SHADI.

A method for assessing ground water susceptibility in Spokane County. Introduction.

In the language of water resources management, the term vulnerability describes the potential risk for the contamination of an aquifer. Vulnerability depends on two factors: aquifer susceptibility

(the level of ground water protection provided by the natural environment) and the pollution potential (land use activities above the aquifer). This document describes the development and application of a susceptibility model for Spokane County.
The SHADI ground water susceptibility model is based on the same general approach as the DRASTIC model. DRASTIC is a model developed by the National Water Well Association in cooperation with the U.S. EPA (Aller, L., et al, 1987). DRASTIC has been used in its original and modified form in most areas of the United States (Swanson, R., 1994; Palmquist, R., 1991). The SHADI modification developed for use in Spokane County uses the following five environmental characteristics to assess susceptibility:

Soil Media
Hydraulic Conductivity
Annual Recharge
Depth to Ground Water
Importance of the Vadose Zone

To use the SHADI model data, each of the five characteristics must be mapped at a common level of resolution. Collecting the required data is a time-consuming process if summary data in map or tabular form is not available for the characteristics. For Spokane County, simplifying the model to five elements greatly reduces the work required to develop the model without losing the ability to resolve differences in susceptibility. These five characteristics reflect essentially the same range of variability that the seven DRASTIC characters would reflect when applied to Spokane County. The result of applying the SHADI model is a set of "susceptibility ratings," usually presented in map form, for discrete geographic units in the study area. The following relationship is used to calculate the final susceptibility value:

Aquifer Susceptibility = $(S \times W_s) + (H \times W_h) + (A \times W_a) + (D \times I)$
Where S, H, A, D, and I are described above and W_s, W_h, and W_a are weighting factors to bring the relative importance of soil, hydraulic conductivity, and annual recharge into balance with the depth to water--vadose zone term. Both the ranking values and weighting values used in SHADI are consistent with those used in DRASTIC.

Aquifer susceptibility using methods like SHADI can be applied "manually" by mapping the various characteristics on tissue paper, overlaying the maps of the characteristics, tracing the boundaries of areas with a unique set of characteristics, and manually totaling the ratings for each area. However, this process is easily accomplished using Geographic Information System computer software. The SHADI data sets for Spokane County will be developed in a format that will allow the automated delineation of "unique area" boundaries and the totaling of the final susceptibility rating for those areas.

Like DRASTIC, SHADI is intended to establish the relative risk to contamination that exists for aquifers examined using a consistent database. The model results from one "study" should not be compared with those from another. Similarly, once a study area has been defined it should be treated as a whole. Breaking a study area into subsets requires a reassessment of the ratings applied.

Explanation of Ratings shown on SHADI Map Layers.

Soil Media.

SHADI Ratings for Soil type.
For most purposes, soil is considered to be that part of the earth's surface in which plants grow. The soil layer extends from the land surfaces to the bottom of the root zone - the depth to which plant roots extend. The soil zone is characterized by high biological activity. In a semi-arid climate

like that around Spokane a root zone of 5 to 6 feet is common. For most contaminant discharges within an aquifer recharge area the soil is the first line of defense against contamination. Many of the biochemical actions that take place in the soil can destroy potentially harmful wastes, result in their removal by plants or lead to their being bound up as part of the soil matrix. Most of these processes depend on the amount of clay, silt and organic material in the soil. High levels of one or more of these components lead to better ground water protection. Table 1 provides a summary of the SHADI ratings for the soil types common in Spokane County.

Table 1. SHADI Ratings for Soil Type	
Soil Type	**SHADI Rating**
Silty Loam	3
Sandy	6
Rocky/Gravelly	9
Weighting Factor	2

Hydraulic Conductivity.

SHADIR Ratings for Hydraulic Conductivity.
Hydraulic conductivity refers to the ease with which water moves through the aquifer media. This is dependent on the amount of interconnected void space in the aquifer. Loose sand and gravel or highly fractured rock have the highest hydraulic conductivity. Aquifers with high hydraulic conductivity more easily disperse contaminants away from the point where they enter the ground water. Table 2 provides a summary of the SHADI ratings for the hydraulic conductivity of the common aquifer types found in Spokane County.

Table 2. SHADI Ratings for Hydraulic Conductivity	
Hydraulic Conductivity (feet/sec)	**SHADI Rating**
High > 0.025	10
Medium High 0.001 - 0.025	8
Medium 0.00025 - 0.001	6
Medium Low 0.00001 - 0.00025	4
Low < 0.00001	2
Weighting factor:	6

Annual Recharge.

SHADI Ratings for Annual Recharge.
The amount of water recharged to an aquifer is an important element in assessing ground water susceptibility because it is the recharge water that carries contaminants to the ground water. In general, the greater the amount of recharge, the greater the potential impact. Because precipitation, as with all climatic characteristics, varies greatly from year to year, annual recharge also varies greatly. For long term planning purposes using “average” values for precipitation to calculate recharge should produce good results for tracking potential ground water impacts and estimating the amount of water available for use. However, recharge levels at both extremes can skew the overall impact. Extremely high recharge may dilute the concentration of contaminants to below the background levels in ground water. Conversely, extremely low recharge over a period of time may result in the accumulation of contaminants in the soil. A normal or above normal recharge period could then flush these contaminants into ground water in a short period of time. The susceptibility rating values associated with various levels of recharge found in Spokane County are summarized in Table 3

Table 3. SHADI Ratings for Annual Recharge	
Annual Recharge (inches)	**SHADI Rating**
2-4	3
4-7	6
7-10	8
10+	8
Weighting factor:	4

Depth to Water

SHADI Ratings for Depth to Water

Depth to water is important in establishing the susceptibility of an aquifer because it determines the thickness of the material through which contaminated water must travel before it reaches ground water. In general, the more material contaminated water moves through the greater the probability that some or all of the contaminants will be removed. A number of physical (e.g. filtration of suspended solids), chemical (e.g. precipitation of phosphorus) and biological (bacterial breakdown of organic chemicals into CO2 and water) may affect the contaminants in recharge water. In addition to the amount of material that the water must pass, deeper water tables usually mean longer travel times, The longer the travel time, the greater the opportunity for contaminant removal. Table 4 provides a summary of the SHADI ratings for the several depth to water ranges found in Spokane County.

Table 4. SHADI Ratings for Depth to Water	
Depth to Water - feet	**SHADI Rating**
0-15	10
15-50	8
50-100	6
100+	4
Weighting factor:	Importance of the Vadose Zone

Importance of the Vadose Zone

SHADI Ratings for Importance of the Vadose Zone

The vadose zone is the unsaturated zone between the bottom of the root zone and the water table. As a rule, the vadose zone is composed of material similar to that found in the soil or that which contains the aquifer. Because it is below the root zone there is little biological activity under ordinary conditions, so while the vadose zone is important for some of the same reasons it is likely to be less effective than soil. As indicated above, the finer the material the better the vadose zone is at removing contaminants. Where the vadose zone is composed of “solid” rock, the size of cracks and fractures and the complexity of the fracture zone determines the contaminant removal ability. The main difference between SHADI and DRASTIC lies in how the nature of the material in the vadose zone is accounted for in the model. Not all materials behave the same ability to retain contaminants or facilitate their decomposition; silty materials will retain more water and hold it longer than coarse gravel. The larger surface area exposed by finer materials usually increases the amount of contaminants that can be removed. In SHADI the Importance of the Vadose Zone is used as a “weighting factor” for Depth to Water. Under this scheme a thick layer of coarse material may be a poorer buffer to contamination than a thin layer of finer soil. Where there are “confining layers” between the land surface and the water table these zones increase the removal of contaminants by providing longer travel times and providing a zone of fine material that increases contaminant removal. Table 5 provides a summary of the SHADI ratings for the vadose zone materials common in Spokane County.

Table 5. SHADI Ratings for Importance of the Vadose Zone	
Material	**SHADI Rating***
Clay and Metasedimentary rock	2
Silt and Crystalline rock	4
Weathered basalt	6
Sand	8
Flood gravels	10
Weighting factor:	Depth to Water

*Subtract 1 for each confining layer up to 2.

Results from the application of SHADI

The product of the analysis of ground water susceptibility using SHADI is a set of six maps. Maps one through five depict the characteristics of the environment considered by SHADI. Map six is the susceptibility rating itself. Maps one through five are based on 1) existing mapped data, 2) interpretation of well drillers' logs and 3) a combination of the above. Soil and Annual Recharge are taken from the mapping contained in the Spokane County Soil Survey (Donaldson and Giese, 1968) and annual precipitation maps prepared by the National Weather Service (NOAA, 1990). These maps probably represent the range of resolution for the mapping. The Soil Survey maps show variations in soil type for parcels as small as five acres. Annual precipitation at any given point in Spokane County varies greatly from year to year. The precipitation map, and therefore the annual recharge map, cannot show this variation. The areas of equal annual recharge can move a mile to the east or west from year to year. The resolution of the annual recharge map is good in the center of the ranges and poor at the edges. This means that the resolution of this factor ranges from 640 acres to 2560 acres. Hydraulic Conductivity is derived from tests on individual wells penetrating the various ground water bearing formations. The distribution of Hydraulic Conductivity in the various ground water units is based on both the individual well information and the existing geology maps, which delineate the areas in which aquifers with similar characteristics might be found. Given the level of detail in the geology maps, the amount of individual well data used and the range of values for hydraulic conductivity employed in SHADI the resolution of this mapping is estimated to be about 160 acres.

Depth to Water for most of the urbanizing area of the county is derived from special studies that show considerable detail. The resolution of this characteristic for these areas is about 40 acres. For the rest of the county the information for Depth to Water was derived in the same manner as Hydraulic Conductivity and thus has a resolution of about 160 acres. Importance of the Vadose Zone is based on a recently completed geologic map of Spokane County (Johnson, 1997). The resolution of this map is about 40 acres. The Geographic Information System (GIS) used a GRID process to calculate the susceptibility rating. The grid process divides the 5 source maps into squares that are the same size and positions throughout the whole county. The values (rate times weight) of the stacked squares in all 5 layers are added together for the final susceptibility rating. The GRID process was programmed to use squares 300 feet on a side (2.1 acres).

SHADI rating areas less than 40 acres in size were combined with adjacent areas to create the final SHADI rating map.

AQUIFER SUSCEPTIBILITY MAP

SHADI Rating Map revised to create Aquifer Susceptibility Map

The SHADI rating map was revised to create the Aquifer Susceptibility Map by adding additional areas to coordinate wellhead protection throughout Spokane County. The Washington State

Department of Health provided the data for wellhead protection coordination based on site specific (well specific) determination of susceptibility of contamination to wells. The data includes designated wellhead protection areas and areas within 1,000-foot radius of Group A community and Group A community transient wells without reported plans. As wellhead protection plans are completed for wells, the 1,000-foot radius placeholder will be replaced by the Washington Department of Health-certified wellhead protection area. These areas are treated as high aquifer susceptibility areas. It is the intent of the Aquifer Susceptibility Map to coordinate the wellhead protection program with protection of critical aquifer recharge areas. Uses and activities within designated wellhead protection areas subject to critical aquifer recharge area regulations are required to meet the standards for high aquifer susceptibility. However, applicants have the opportunity to provide evidence to support a low or medium aquifer susceptibility rating by means of a hydrogeologic report. The City, in consultation with agencies of expertise, shall review and accept or reject the hydrogeologic report. The Aquifer Susceptibility Map will be revised as required to display updated date on wellhead protection areas received from the Washington State Department of Health.

10-6B-7 Additional Resources

A. Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987), as amended.

B. Washington State Wetlands Rating System for Eastern Washington, as amended.

C. Classification of Wetland and Deep-Water Habitats of the United States (1979), as amended.

D. Management Recommendations for Washington's Priority Habitats and Species (1991), as amended.

E. Washington Priority Habitats and Species (1993), as amended.

10-6B-8 Incentives

A. Property Tax and Income Tax Advantages.

1. Property Tax Relief. The Spokane County Assessor shall consider the wetlands and wetland buffer areas, fish and wildlife habitat conservation areas, and geologically hazardous areas contained within this article when determining the fair market value of land.

   Any owner of a wetland, wetland buffer area, fish and wildlife habitat conservation area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state, or federal government; or a nonprofit organization to permanently control some or all the uses and activities within these areas may request that the Spokane County assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation.

2. Federal Income Tax Advantages. There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or non-profit organizations such as land trusts. The specific rules on federal income tax deductions can be found in Section 170 of the Internal Revenue Code.

B. On-Site Density Transfer. Residential density may be transferred from a wetland, wetland buffer

area or buffer area which is required to protect priority habitats, species areas, or geologically hazardous areas. On-site residential density transfer shall be determined by the zone classification of the property. The use of on-site residential density transfer or clustering and use of the planned unit developments (PUDs), and bonus density is encouraged as a means to protect and preserve wetlands, wetland buffers, and fish and wildlife habitat conservation areas. The provisions of this Development Code shall control the use of on-site density transfer or clustering, the use of planned unit developments (PUDs), and bonus density.

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

1. The TDR must be associated with a complete planned unit development (PUD) residential development application filed with the City for the receiving site(s). The TDR request shall be included in the application.
2. The hearing body shall consider the request for TDR at the public hearing for the land use proposal for the receiving site.
3. To assure that the sending site (wetland, wetland buffer, priority habitat or species areas or geologically hazardous areas) is adequately protected, a restriction shall be placed on the deed of the pending designated areas. This restriction shall be required regardless of the number of dwelling units for which development rights are transferred. A memorandum of agreement (MOA) between the applicant and the City shall be recorded with the Spokane County auditor. The MOA shall refer to all deed restrictions and restrictions on activities in the designated area.
4. If the designated area is degraded as a result of human or agricultural activity, the applicant may be required to enhance the designated area according to an enhancement plan approved by the department.
5. Except for required enhancement, the designated area shall remain in a natural condition. This shall be indicated by a note on the face of any final plat, final site plan, or other final approval for activity on the sending site. In the case of a formal subdivision, the designated area shall be placed in a separate tract.
6. TDR may go to more than one receiving site; however, this shall not increase the total number of transferred dwelling units which are allowed.
7. TDR shall be allowed only if the land use proposal on the receiving site(s) is designed in such a way that the increased density:
    a. Is consistent with any land use plan associated with the receiving site and with goals, purposes, and intents of the zoning designation of the receiving site; and
    b. Is compatible with existing and likely future developments in the vicinity; and
    c. Adequately addresses infrastructure, natural constraints, and other constraints, and does not result in significant environmental impacts.
8. The TDR shall not be approved until final plat approval or other required final approval for the receiving site is granted by the City of Liberty Lake.
9. The TDR shall meet the requirements in Section 10-6E-1 below.

Article 10-6C — Wellhead Protection

Reserved for Wellhead Protection documents adopted by the City.

At the time of adoption of this Development Code, wellhead protection responsibility has been held by the Liberty Lake Sewer & Water District; however, the City has expressed concerns about the protection of our public water system. The Liberty Lake Sewer & Water District adopted the Spokane Aquifer Joint Board Wellhead Protection Program in 1997 with an individual water purveyor contingency / emergency plan for the Liberty Lake area contained in Appendix Q-8 of the document. Chapter 7 of the document states that individual purveyor contingency plans should be updated and approved by water purveyor's elected officials every five years. The contingency plan is currently outdated, and the City may take the necessary steps in the future to update this plan or modify it to address the community's future needs, in order to reflect the current Liberty Lake community.

Article 10-6D — Shoreline Management

Consult with the City of Liberty Lake for more information on the City's adopted Shoreline Management Program.

Article 10-6E — Environmental Conservation

Sections:

10-6E-1 **Transfer of Development Rights**

10-6E-2 **Conservation Futures Program**

10-6E-1 Transfer of Development Rights

A. Purpose. The purpose of this section is to implement the comprehensive plan and encourage the protection of open spaces through Transfer of Development Rights. Transfer of Development Rights (TDR) allows individuals to purchase and sell residential development rights from lands that provide a public benefit. Such lands include forest, open space, regional trails, and habitat for threatened or endangered species. Landowners receive financial compensation without developing or selling their land and the public receives permanent preservation of the land. Transferred development rights can be used to build additional houses on other parcels in more appropriate areas within the City. The program reduces the development potential in the "sending area" and transfers that development opportunity to a "receiving area". The sending area property owner is paid to keep the land undeveloped, while the receiving area property buys the credit, allowing additional development beyond what zoning allows in the receiving area. The Transfer of Development Rights (TDR) Program should be implemented on a regional basis with participation from Spokane County.

B. Determination of Number of Development Rights. The zoning of a parcel and its size are used to calculate the number of development rights that are attached to a parcel. The acreage that can be used to determine the number of development rights is the area of the parcel minus the amount in submerged lands and any land being retained for development on site, based on the zoning requirements. The number of development rights that a particular parcel qualifies for will depend on the specifics of the situation and would be determined on a case-by-case basis during the qualification process.

C. Transfer Authorized. Allowed development rights may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A transfer of development rights shall not be approved unless it meets one or more of the criteria in 1-4 below, and it conforms to subsections D-E:

1. Protection of critical areas either by dedication to the public or a land trust, or by a non-revocable conservation easement; or
2. Dedication of land to the public for park or recreational purposes; or
3. The density transfer is used to develop a mix of single family and multi-family housing on the same property or development site.

D. Prohibited Transfers. Development rights shall not be transferred from: land proposed for street right-of-way, stormwater detention facilities, private streets, and similar areas which do not provide open space or recreational values to the public.

E. Transfer Rules. All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferred only to buildable lands ("receiving areas"). The number of allowed housing units shall be reduced on properties from which density is transferred ("sending areas") based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;
2. The number of units which can be transferred is limited to the number of units which would have been allowed on 50 percent of the unbuildable area if not for these regulations; and
3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per net acre permitted under the applicable comprehensive plan designation.
4. All density transfer development proposals shall comply with the development standards of the applicable zoning district.

10-6E-2 Conservation Futures Program

A. Purpose and Applicability. "Conservation Futures" is a property tax on all lands within Spokane County, enabled by the Washington State Legislature in 1971. Spokane County adopted and began a local program in 1994. Spokane County's Conservation Futures Program is intended to protect, preserve, maintain, enhance, restore, limit the future use of or otherwise conserve selected open space land, farmland, forests, wetlands, wildlife habitats, and other lands having significant recreational, social, scenic, or aesthetic values within the boundaries of Spokane County. Acquired properties will not be developed but kept in an enhanced natural area consistent with the Revised Code of Washington (RCW Chapter 84.34). As a jurisdiction within Spokane County, the City of Liberty Lake will participate in this program when possible. Conservation Futures funds are used towards acquisition of property and/or property easements that ensure public access and enjoyment of our greatest resources in perpetuity.

B. Program Implementation. The Conservation Futures program shall be implemented through the process adopted by the Spokane County Parks Department. The process includes:

1. Submittal of Nomination - Review by Parks Staff and Recommendation of Nominated Sites for consideration by the Lands Subcommittee
3. Holding of Public Meetings to Review Final Nomination List
4. Conducting Property Tours, Inspections, and Preparing Evaluation Scoring
5. Preparation of the Priority Acquisition List and review by the Spokane County Parks Advisory Committee (PAC)
6. Final review and approval by Board of County Commissioners

C. Evaluation Criteria. As outlined in the Spokane County Parks Conservation Futures implementation program, the nomination submittal forms request certain types of information to assist the Lands Subcommittee in determining many key factors in assigning a point value to the property. To assist the Subcommittee in selecting the property(s) that ensure public access and enjoyment of the greatest resources they will visit each site to evaluate the nominated property

using a set list of standard quantitative criteria with a point system. The criteria assigns points in considering the identified need for open space within the area, whether the nominated property owner(s) is willing to donate to an endowment fund for the long-term maintenance of the property and does it contain any major environmental concerns. Evaluation criteria considers the size of the property, its' riparian/wetland habitat and/or corridor values or critical links to such along with the ability for the public to access water systems. Other questions address whether the property serves as a buffer to development, the potential threat of loss to development and the degree of demonstrated public support for the acquisition. The nominated property will be evaluated for its ease of access to the public and whether it will likely become a destination for various types of public uses.

Article 10-6F — Flood Damage Prevention

Sections:

10-6F-1 **General Provisions**

10-6F-2 **Administration**

10-6F-3 **Provisions for Flood Hazard Reduction**

10-6F-1 General Provisions

A. Lands to Which These Regulations Apply.

These regulations shall apply to all areas of special flood hazards within the jurisdiction of City of Liberty Lake.

B. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Spokane County "dated July 6, 2010, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations. The Flood Insurance Study and the FIRM are on file at 22710 E Country Vista Drive, Liberty Lake, Washington 99019. The best available information for flood hazard area identification as outlined in §10-6F-2(C)(2) of this Article shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under §10-6F-2(C)(2) of this Article.

C. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

10-6F-2 Administration

A. Establishment of Development Permit

1. Development Permit Required

   A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §10-6F-1(B) of this Article. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

2. Application for Development Permit

   Application for a development permit shall be made on forms furnished by the City of Liberty

Lake and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official.

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in §10-6F-3(B)(2);

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administrator

The Zoning Administrator, or his/her designee is hereby appointed to administer and implement the provisions of this Article by granting or denying development permit applications in accordance with its provisions.

C. Duties & Responsibilities of the Local Administrator

Duties of the (Local Administrator) shall include, but not be limited to:

1. Permit Review

a. Review all development permits to determine that the permit requirements of these regulations have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of §10-6F-3(D)(1) are met.

d. Review all development permits to determine that the site is reasonably safe from flooding.

2. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (in A or V Zones) in accordance with §10-6F-1(B), *Basis for Establishing the Areas of Special Flood Hazard*, the (Local Administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer §10-6F-3(B), *Specific Standards*, and §10-6F-3(D), *Floodways*.

3. Information to be Obtained and Maintained

a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in paragraph (C)(2) of this section, obtain and record the actual (as-

built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, with said information recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official.

b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in paragraph (C)(2) of this section:

i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and,

ii. Maintain the floodproofing certifications required in paragraph (A)(2)(c) of this section.

c. Certification required by Section §10-6F-3 (D) (floodway encroachments).

d. Records of all variance actions, including justification for their issuance.

e. Improvement and damage calculations.

f. Maintain for public inspection all records pertaining to the provisions of these regulations.

4. Alteration of Watercourses.

a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries.

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program.

D. Conditions for Variances from Flood Elevation Standards.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

    a. A showing of good and sufficient cause;

    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

6. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subparagraph 2, above, and otherwise complies with paragraphs 1, 3 and 4 of §10-6F-3(A) of the General Standards.

7. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

10-6F-3 Provisions for Flood Hazard Reduction

A. General Standards

In all areas of special flood hazards, the following standards are required:

1. Anchoring

    a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

    b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook, FEMA-85, “Manufactured Home Installation in Flood Hazard Areas.

2. Construction Materials and Methods

    a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

3. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. Water wells shall be located on high ground that is not in the floodway;

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (§10-6F-2(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §10-6F-1(B), *Basis for Establishing the Areas of Special Flood Hazard*, or §10-6F-2(C)(2), *Use of Other Base Flood Data.*

1. Residential Construction

    a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).

    b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

        i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

        ii. The bottom of all openings shall be no higher than one foot above grade.

        iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

    c. Subgrade crawl spaces are prohibited unless the following conditions are met:

        i. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.

        ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point.

        iii. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (refer to FEMA Technical Bulletin 11-01, page 7, Guidance for Pre-Engineered Crawlspaces). This limitation is intended to prevent these crawlspaces from being converted into habitable spaces.

        iv. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

        v. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

        vi. Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

2. Nonresidential Construction

    a. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant

utility and sanitary facilities, shall:

b. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

d. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in §10-6F-2(C)(3)(b);

e. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in §10-6F-3(B)(1)(b).

3. Manufactured Homes

All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles

Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days, (or)

b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements of §10-6F-3(B)(3) above and the elevation and anchoring requirements for manufactured homes.

C. AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Floodways

Located within areas of special flood hazard established in §10-6F-1(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

    a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and,

    b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either:

        i. Before the repair, or reconstruction is started, or

        ii. If the structure has been damaged, and is being restored, before the damage occurred.

    c. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If §10-6F-3(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §10-6F-3, *Provisions for Flood Hazard Reduction.*