PLANNING COMMISSION MEETING AGENDA
WEDNESDAY, JULY 8, 2026
4 P.M.
CITY HALL
HELD REMOTELY& IN-PERSON AT CITY HALL

To participate remotely, you can:

- Sign up to provide Public Comment at the meeting via calling in.
- Submit Written Public Comment Prior to 2 pm on July 8, 2026.
- Join the Zoom Meeting.

Questions? Assistance? Please contact Kathy Cummings at kcummings@libertylakewa.gov .

1. Call to Order – 4:00 pm
2. Roll Call
3. Pledge of Allegiance

4. **GENERAL BUSINESS**
   - Review of Agenda
   - Approval of Minutes from June 24, 2026

5. **WORKSHOPS:**
   - Development Code Amendments

6. **CITIZEN COMMENTS**

7. **REPORTS**
   - Secretary's Report
   - Planning Commissioner Reports

8. Adjournment

Next Meeting: August 12, 2026

PUBLIC COMMENT

If you wish to provide oral public comments or testimony during the Planning Commission meeting, please follow the directions below to Join the Zoom Meeting.

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the upcoming council meeting, please email your comments to kcummings@libertylakewa.gov **by 2:00 p.m**. the day of the Planning Commission meeting and include all of the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Liberty Lake resident
4. The Agenda Item(s) which you are speaking about

JOIN ZOOM MEETING

To view the meeting live via Zoom Meeting, join the Zoom web meeting:

Meeting Instructions:

To join the Zoom web meeting:

https://us02web.zoom.us/s/86818958997

Dial In Phone Numbers:

- +1 253 215 8782 US (Tacoma)
- +1 253 205 0468 US

Meeting ID: 868 1895 8997

PLANNING COMMISSION MEETING MINUTES
WEDNESDAY, June 24, 2026
HELD VIA ZOOM & IN PERSON AT CITY HALL

Planning Commission Members Present: Tom Sahlberg (Chairperson), Joe Mann, Jim Baumker, Charlie Jencks, and Gene Heuschel.

Adjunct Member(s) Present: Abby Sprague

Staff Present: Amy Mullerleile, Lance Mueller, and Kathy Cummings

Call to Order: Meeting was called to order at 4:00 p.m.

Roll Call: A quorum of members was present. A motion to excuse Commissioners Phil Folyer, Dg Garcia, and Troy Mullenix was made by Commissioner Jencks, seconded by Commissioner Mann. The motion was carried unopposed.

Commissioner Mann lead everyone in the Pledge of Allegiance.

Review of Agenda: Commissioner Jencks motioned to approve the agenda, seconded by Commissioner Mann. The motion passed unanimously.

Approval of Minutes: Commissioner Jencks motioned to approve the May 13th meeting minutes, seconded by Commissioner Mann. The motion passed unanimously.

Chairperson Sahlberg shared an AI-generated graphic explaining the role of the Planning Commission and offered to make it available to local service groups, such as Rotary, Kiwanis, and the Lions Club.

Workshops:

Housing Development Code Amendments: Gen Dial and Liam Taylor, consultants with SCJ Alliance, presented the state mandated housing code updates to the City's Development Code via Zoom. The primary goals and the process of the code updates were given. The Commission requested that all the prepared presentation slides be included in the meeting packets, as they are part of the public record. Staff and the Commission discussed the proposed updates throughout the presentation. Additional topics will be presented at upcoming meetings. The Commission decided to resume holding two meetings per month after August.

Action Items: Staff updated the Commission on the status of the sign code update. As part of the update process, staff requested volunteers from the Planning Commission to form a subcommittee. This subcommittee will go through the fine details for the updated sign code before it is presented to the Planning Commission for approval. Commissioners Heuschel and Sprague volunteered. Staff will follow up with Commissioner Mullenix regarding his availability.

Citizen Comments: None

Secretary's Report: The Planning Commission meeting schedule was discussed and agreed upon. The commission determined there are no major updates for the Council and will forgo providing a report to the Council at their next meeting.

Commissioner's Reports: Commissioner Mann will not be attending the July 8th meeting as he is scheduled to be out of town. Commissioner Mann provided an update regarding suicide prevention for veterans from a seminar he attended in Post Falls. The takeaway was if you see somebody that's down, getting involved early can help significantly

Adjournment: Commissioner Jencks motioned to adjourn the meeting, seconded by Commissioner Heuschel. The motion carried unanimously. The meeting was adjourned at 4:53 p.m.

DRAFT

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.

NOTE: Changes to the matrix has included additional notes within the margin. The actual change to the matrix from the last meeting is Manufactured Homes on Individual Lots has been changed back to a Limited Use in zones R1-R3, which is what is allowed under the current zoning matrix.

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	NL	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

Commented [LT1]: Under the limited conditions for this zone, it states that no future uses of this type are permitted.

Commented [LT1R2]: TO BE ADDRESSED AT A LATER MEETING

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
Restaurant, café, deli, or ice cream parlor (without drive-thru)	N	N	N	P	P	P	P	P	L	N	L

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 (with drive-thru)	N	N	N	LP	L	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	NCU	CUN	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
Co-living housing	N	L	L	L	L	L	N	N	N	N	N
Dwelling, multi-family (three units and more)	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	PN	PL	PL	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											

Commented [LT2]: Listed as a "Limited" use in Chapter 2F, M-1 Zone.

Commented [LT2R2]: TO BE ADDRESSED AT A LATER MEETING

Commented [LT3]: Not listed as a "Conditional Use" in Chapter 2J, Light Industrial District.

Commented [LT3R2]: TO BE ADDRESSED AT A LATER MEETING

Commented [LT4]: Listed as a "Conditional Use" in Chapter 2K, Public District.

Commented [LT4R2]: TO BE ADDRESSED AT A LATER MEETING

Commented [LT5]: ADUs can still be "L" but the restrictions are reduced greatly.

Commented [LT5R2]: ADDRESSED

Commented [LT6]: Per the City's definition.

Commented [LT6R2]: ADDRESSED

Commented [LT7]: Duplexes cannot be regulated differently than single-family residences.

Commented [LT7R2]: ADDRESSED

Commented [LT8]: Manufactured homes must be allowed where single-family homes are allowed. You can still have certain regulations, which I have updated.

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	NL	P	P	P	N	N
Light manufacturing & assembly w/ retail sales showroom	N	N	N	N	L	NL	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
Warehouse & freight movement	N	N	N	N	N	N	P	P	P	N	N

Commented [LT9]: Not listed as a "Limited" use in Chapter 2G, Central Business District (M-3).

Commented [LT9R2]: TO BE ADDRESSED AT A LATER MEETING

Commented [LT10]: Not listed as a "Limited" use in Chapter 2G, Central Business District (M-3).

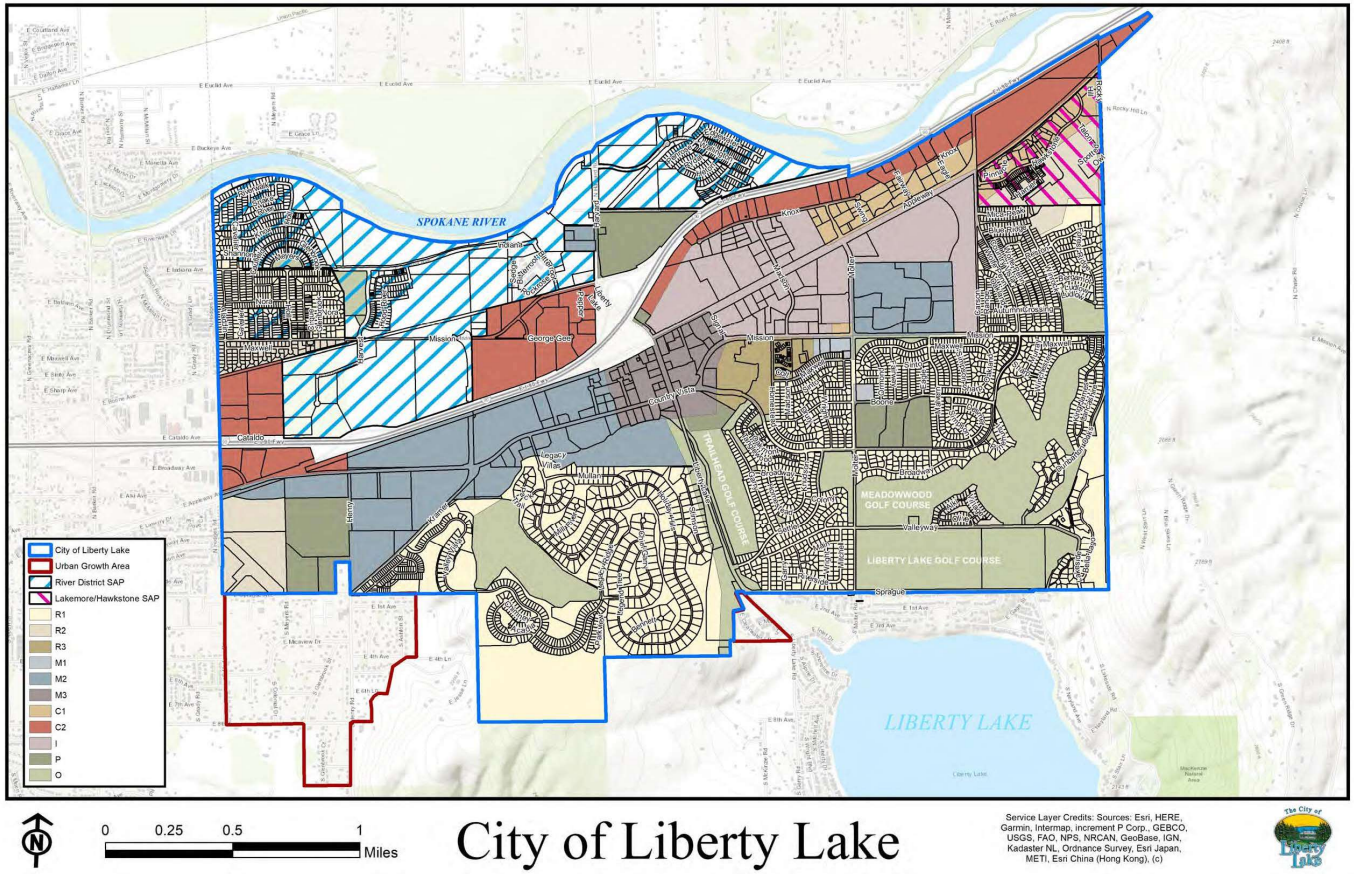
Commented [LT10R2]: TO BE ADDRESSED AT A LATER MEETING

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
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	LN
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

Commented [LT11]: Listed as a "Limited" use in Chapter 2L, Open Space District.

Commented [LT11R2]: TO BE ADDRESSED AT A LATER MEETING

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~~ Dwelling ~~unit~~Unit (ADU) ~~, attached~~

a. ADUs may not exceed 1,000 square feet in gross floor area.

b. Up to two ADUs are permitted on lots meeting the minimum lot size requirement.

c. ADUs may be twenty-five (25) feet in height, regardless of primary unit building height.

d. ADUs may have a zero-lot line setback on public alleys, except where the city routinely plows snow.

e. Existing structures may be converted to ADUs regardless of nonconformities related to setbacks or lot coverage.

f. An ADU originally constructed as an ADU may be separately sold or conveyed as a condominium unit.

~~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.~~

Commented [LT1]: The ADU code becomes much simpler:

1.(a) Only size requirement the city can impose is a maximum of 1,000 SF.
2.(b) Up to 2 allowed per lot (if minimum lot standard is made), regardless of attached/detached, IF the zone allows single-family (M-1, M-2, and M-3 do **not**).
3.(c) The ADU cannot be regulated based on the height of the principal unit (e.g., if the principal unit is 15 feet tall, the city can't impose a 15 foot height limit on a proposed ADU).
4.(d) ADUs may have a zero-lot setback on public alleys, unless the city routinely plows the snow.
5.(e) ADUs may be converted from existing structures.
6.(f) ADUs can be sold for separate ownership.

Other notes:
1.Updated parking requirements based on distance to transit in Chapter 3. Which are:
- 0 spaces if 0.5 mile walking distance to a major transit stop (the Park and Ride)
- 1 space per ADU if the lot is less than 6,000 SF
- 2 spaces per ADU if the lot is 6,000 SF or greater
2.A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units.
3.The city cannot regulate owner-occupancy.
4.Attached vs detached are not regulated differently.

RCW 36.70a.681: https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.681

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~~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.~~8. Manufactured homes on individual lots

a. The manufactured home must be a "new manufactured home."

b. The manufactured home must be installed on a permanent foundation in accordance with the manufacturer's specifications, with the area between the bottom of the home and the ground enclosed with concrete or an approved concrete product.

c. The manufactured home must comply with all development and design standards applicable to single-family dwellings.

d. The manufactured home must be thermally equivalent to the Washington State Energy Code.

e. The manufactured home must consist of at least two fully enclosed parallel sections, each a minimum of twelve (12) feet in width and thirty-six (36) feet in length.

f. The manufactured home must have a composition, wood shake, shingle, coated metal, or similar roof material with a minimum roof pitch of 3:12.

~~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~~

Commented [LT2]: Reasoning for removing this section:
1. Duplexes must be allowed by-right.
2. Duplexes cannot be regulated more strictly than single-family homes (so the spacing, driveway, etc. goes away).
1. The R-1 zone does **not** allow multi-family, which the city defines as three (3) or more units.
1. A two unit townhome is effectively a duplex.
2. Therefore, this section becomes irrelevant.

HB 1110. Cities shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences.

Because Liberty Lake is only required to allow duplexes and two ADUs, this requirement only applies to those two housing types. Townhomes, triplexes, fourplexes, cottage housing, etc., can still be regulated different.

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Commented [LT3]: Manufactured homes must be allowed in the same zones as traditional single-family homes. RCW 35.21.684, 35.63.160, 35A.21.312, and 36.01.225.
https://app.leg.wa.gov/rcw/default.aspx?cite=35.21.684

These standards are essentially copied directly from state RCWs which allow the City to regulate manufactured homes as "designated" and "new," each with their own standards.

The definitions for at least "new manufactured homes" should be updated in the definitions.

Commented [LT4]: Revised to state standard of "designated manufactured home" which comprises of two sections.

~~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.~~

Commented [LT5]: Simplified to meet/more closely match the state standard's language.

~~11.~~9. 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.~~10. 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.~~11. 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.

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 Dwelling unit~~Unit (ADU), ~~attached~~**
   a. ADUs may not exceed 1,000 square feet in gross floor area.
   b. Up to two ADUs are permitted on lots meeting the minimum lot size requirement.
   c. ADUs may be twenty-five (25) feet in height, regardless of primary unit building height.
   d. ADUs may have a zero-lot line setback on public alleys, except where the city routinely

Commented [LT1]: See notes for Chapter 2B, R-1 Zone.

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plows snow.

e. Existing structures may be converted to ADUs regardless of nonconformities related to setbacks or lot coverage.

f. An ADU originally constructed as an ADU may be separately sold or conveyed as a condominium unit.

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. **Co-living housing**

   a. Co-living housing shall be subject to a provision of .25 parking spaces per sleeping unit, unless located within one-half mile walking distance from a major transit stop, in which case no parking shall be required. For this purpose, "major transit stop" shall be defined as a transit stop providing fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays or a transit stop on a bus rapid transit route.

   b. Co-living housing shall be subject to the architectural design review requirements applicable to multi-family developments within this zone.

   c. Co-living housing consisting of 8 sleeping units or less shall be treated as one dwelling unit for purposes of density calculations; if co-living housing consists of more than 8 sleeping units, each sleeping unit shall be considered equal to one-quarter of a dwelling unit for purposes of density calculations.

8. **Dwelling, multi-family** (three or more units), excluding single family attached townhomes ~~(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.

9. **Dwelling, single family attached townhomes** (does not apply to duplexes), ~~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),

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Commented [LT2]: Because single-family attached townhomes are a distinct housing types, different from a triplex or duplex, section 8 and 9 would benefit from some clarification.

Commented [LT3]: See notes for Chapter 2B, R-1 Zone. Duplexes cannot be regulated differently than single-family.

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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 homes on individual lots

Commented [LT4]: See notes for R-1 zone.

a. The manufactured home must be a "new manufactured home."

b. The manufactured home must be installed on a permanent foundation in accordance with the manufacturer's specifications, with the area between the bottom of the home and the ground enclosed with concrete or an approved concrete product.

c. The manufactured home must comply with all development and design standards applicable to single-family dwellings.

d. The manufactured home must be thermally equivalent to the Washington State Energy Code.

e. The manufactured home must consist of at least two fully enclosed parallel sections, each a minimum of twelve (12) feet in width and thirty-six (36) feet in length.

f. The manufactured home must have a composition, wood shake, shingle, coated metal, or similar roof material with a minimum roof pitch of 3:12.

~~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.~~

11. Manufactured home park

Commented [LT5]: Manufactured Home Parks are still allowed. Think of this as a special Planned Unit Development (PUD) or something like that, where it's essentially a subdivision but with manufactured homes.

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.

12. 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.

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

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~~ Dwelling ~~unit~~Unit (ADU)~~, attached~~

a. ADUs may not exceed 1,000 square feet in gross floor area.

b. Up to two ADUs are permitted on lots meeting the minimum lot size requirement.

c. ADUs may be twenty-five (25) feet in height, regardless of primary unit building height.

d. ADUs may have a zero-lot line setback on public alleys, except where the city routinely plows snow.

e. Existing structures may be converted to ADUs regardless of nonconformities related to setbacks or lot coverage.

f. An ADU originally constructed as an ADU may be separately sold or conveyed as a condominium unit.

~~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.~~

Commented [LT1]: See notes for Chapter 2B, R-1 Zone.

~~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. Co-living housing

a. Co-living housing shall be subject to a provision of .25 parking spaces per sleeping unit, unless located within one-half mile walking distance from a major transit stop, in which case no parking shall be required. For this purpose, "major transit stop" shall be defined as a transit stop providing fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays or a transit stop on a bus rapid transit route.

b. Co-living housing shall be subject to the architectural design review requirements applicable to multi-family developments within this zone.

c. Co-living housing consisting of 8 sleeping units or less shall be treated as one dwelling unit for purposes of density calculations; if co-living housing consists of more than 8 sleeping units, each sleeping unit shall be considered equal to one-quarter of a dwelling unit for purposes of density calculations.

9. Dwelling, multi-family (three or more units), exlucding single family attached townhomes ~~(see #13 below for three-family triplex)~~

Commented [LT2]: Because single-family attached townhomes are a distinct housing types, different from a triplex or duplex, section 8 and 9 would benefit from some clarification.

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.

10. Dwelling, single- family attached townhomes (does not apply to duplexes), ~~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.

11. Manufactured homes on individual lots

a. The manufactured home must be a "new manufactured home."

b. The manufactured home must be installed on a permanent foundation in accordance with the manufacturer's specifications, with the area between the bottom of the home and the ground enclosed with concrete or an approved concrete product.

c. The manufactured home must comply with all development and design standards applicable to single-family dwellings.

d. The manufactured home must be thermally equivalent to the Washington State Energy Code.

e. The manufactured home must consist of at least two fully enclosed parallel sections, each a minimum of twelve (12) feet in width and thirty-six (36) feet in length.

f. The manufactured home must have a composition, wood shake, shingle, coated metal, or similar roof material with a minimum roof pitch of 3:12.

~~11.~~12. 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

Commented [LT3]: See notes for Chapter 2B, R-1 Zone. Duplexes cannot be regulated differently than single-family.

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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.

~~12.~~13. **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.

~~13.~~14. **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.

~~14.~~15. **Zero-lot line (single family courtyard home)**

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-13 **Adaptability for Reuse / Compartmentalization / Redevelopment**

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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.

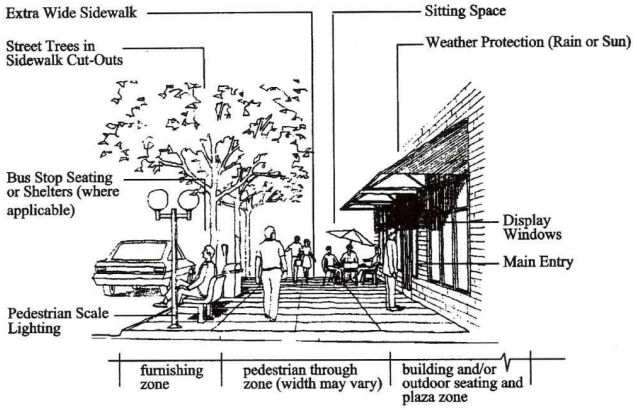
D. The M-1 (Neighborhood Center Mixed-Use) District provides both formal and informal community gathering places.

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

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

10-2E-13 Adaptability for Reuse / Compartmentalization / Redevelopment

A. Purpose. The purpose of this section is to encourage the conversion of existing buildings to housing.

B. Applicability. This section applies to the addition of dwelling units or living units within an existing building.

1. Existing Building Defined. For purposes of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add dwelling units or living units.

C. Density.

1. Dwelling units or living units may be added within an existing building at a density up to 50 percent greater than the maximum density otherwise allowed in the underlying zone, provided the units are constructed entirely within the existing building envelope.

2. The additional density allowed under this subsection applies only when the proposed dwelling units or living units comply with generally applicable health and safety standards, including building code, fire code, and life safety standards.

D. Parking. Retention of existing parking that is required to satisfy existing residential parking requirements under Chapter 3, Article 10-3D; including parking as required for nonresidential uses that remain after the new units are added.

E. Design and Development Standards. The development is required to adhere to applicable design standards under 10-2E-12.

F. Exterior Design and Architectural Requirements.

1. The residential use of an existing building is not subject to additional exterior design or architectural requirements, except as provided in this subsection.

2. Exterior design or architectural requirements may be applied only when necessary to address health and safety related to the use of the interior of the building or to preserve character-defining streetscapes.

a. 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;

Commented [LT3]: This will be the same for all Mixed Use zones.

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Commented [MB5]: The City shall not impose additional off-street parking requirements on dwelling units or living units added within an existing building.

Commented [MB5R2]: RCW 35A.21.440(2)(b)

Commented [MB6]: RCW 35A.21.440(2)(d)

Commented [MB7]: RCW 35A.21.440(2)(d)

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.

b. Additional exterior design or architectural requirements may also apply when the building is a designated landmark or is located within a historic district established through a local preservation ordinance.

G. Location of Housing Units Within Existing Buildings.

1. Dwelling units or living units may be added within any portion of an existing building, provided the proposed units comply with applicable building code, fire code, life safety, and health standards.

2. Ground-floor commercial or retail space may be converted to dwelling units or living units. The City may limit or prohibit conversion of ground-floor commercial or retail space located along a major pedestrian corridor in order to preserve active commercial or retail frontage.

H. Energy Code.

1. When an existing building, or portion of an existing building, is converted to dwelling units or living units, the changed portions of each new unit shall comply with the current energy code, except as provided in subsection H2.

2. The changed portions of each new dwelling unit or living unit are not required to meet the current energy code when one of the following applies:

a. The square footage of new dwelling units does not exceed 2,500 square feet or fifty percent of the total building square footage, whichever is greater;

b. The building owner submits documentation, in a form acceptable to the City, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard consistent with state law; or

c. In an area zoned for residential housing, an additional housing unit is created within an existing home.

I. Nonconformities.

1. Existing nonconformities related to parking, height, setbacks, elevator size for gurney transport, or modulation do not prohibit the addition of dwelling units or living units within an existing building may remain.

2. A building permit application for dwelling units or living units within an existing building shall not be denied solely because of an existing nonconformity listed below, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

a. Existing nonconformities related to: parking, height, setbacks, elevator size for gurney

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Commented [MB10]: RCW 35A.21.440(2)(g)

Commented [MB11]: The City shall not deny a building permit application for the addition of dwelling units or living units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

transport, or modulation.

J. Transportation and Environmental Studies.

1. A transportation concurrency study is not required solely because dwelling units or living units are added within an existing building.

2. An environmental study under the State Environmental Policy Act (SEPA) is not required solely because dwelling units or living units are added within an existing building.

3. This section does not limit the City's authority to require transportation or environmental review when required for other aspects of the proposal that are separate from the addition of dwelling units or living units within an existing building.

K. Life Safety. Nothing in this section requires the City to approve a building permit application for the addition of dwelling units or living units constructed entirely within an existing building envelope when the building cannot satisfy applicable life safety standards.

Commented [MB12]: RCW 35A.21.440(2)(h)

Commented [MB13]: The City shall not require a transportation concurrency study under RCW 36.70A.070 or an environmental study under Chapter 43.21C RCW based solely on the addition of residential units within an existing building.

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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-13 **Adaptability for Reuse / Compartmentalization / Redevelopment**

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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 footage 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.~~

Commented [LT1]: New section.

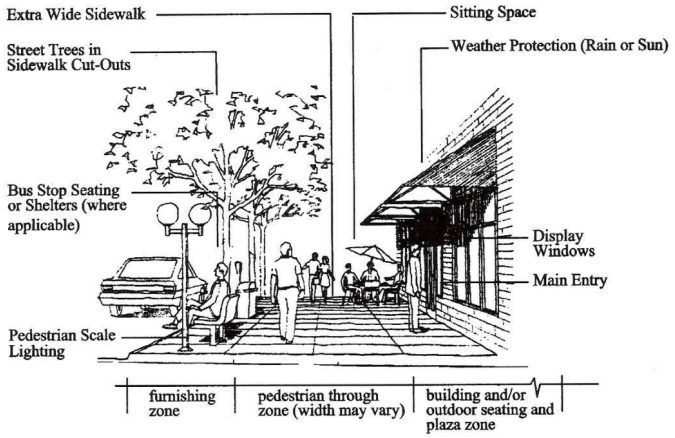
5. Mobile sales / concessions

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.

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

10-2F-13 Adaptability for Reuse / Compartmentalization / Redevelopment

A. Purpose. The purpose of this section is to encourage the conversion of existing buildings to housing.

B. Applicability. This section applies to the addition of dwelling units or living units within an existing building.

1. Existing Building Defined. For purposes of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add dwelling units or living units.

C. Density.

1. Dwelling units or living units may be added within an existing building at a density up to 50 percent greater than the maximum density otherwise allowed in the underlying zone, provided the units are constructed entirely within the existing building envelope.

2. The additional density allowed under this subsection applies only when the proposed dwelling units or living units comply with generally applicable health and safety standards, including building code, fire code, and life safety standards.

D. Parking. Retention of existing parking that is required to satisfy existing residential parking requirements under Chapter 3, Article 10-3D; including parking as required for nonresidential uses that remain after the new units are added.

E. Design and Development Standards. The development is required to adhere to applicable design standards under 10-2F-12.

F. Exterior Design and Architectural Requirements.

1. The residential use of an existing building is not subject to additional exterior design or architectural requirements, except as provided in this subsection.

2. Exterior design or architectural requirements may be applied only when necessary to address health and safety related to the use of the interior of the building or to preserve character-defining streetscapes.

Commented [LT4]: This will be the same for all Mixed Use zones.

Commented [MB5]: RCW 35A.21.440(2)(a)

Commented [MB6]: The City shall not impose additional off-street parking requirements on dwelling units or living units added within an existing building.

Commented [MB6R2]: RCW 35A.21.440(2)(b)

Commented [MB7]: RCW 35A.21.440(2)(d)

Commented [MB8]: RCW 35A.21.440(2)(d)

a. 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.

Commented [MB9]: Kept from Limited Use section

b. Additional exterior design or architectural requirements may also apply when the building is a designated landmark or is located within a historic district established through a local preservation ordinance.

G. Location of Housing Units Within Existing Buildings.

1. Dwelling units or living units may be added within any portion of an existing building, provided the proposed units comply with applicable building code, fire code, life safety, and health standards.

2. Ground-floor commercial or retail space may be converted to dwelling units or living units. The City may limit or prohibit conversion of ground-floor commercial or retail space located along a major pedestrian corridor in order to preserve active commercial or retail frontage.

Commented [MB10]: RCW 35A.21.440(2)(f)

H. Energy Code.

Commented [MB11]: RCW 35A.21.440(2)(g)

1. When an existing building, or portion of an existing building, is converted to dwelling units or living units, the changed portions of each new unit shall comply with the current energy code, except as provided in subsection H2.

2. The changed portions of each new dwelling unit or living unit are not required to meet the current energy code when one of the following applies:

a. The square footage of new dwelling units does not exceed 2,500 square feet or fifty percent of the total building square footage, whichever is greater;

b. The building owner submits documentation, in a form acceptable to the City, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard consistent with state law; or

c. In an area zoned for residential housing, an additional housing unit is created within an existing home.

I. Nonconformities.

Commented [MB12]: The City shall not deny a building permit application for the addition of dwelling units or living units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

1. Existing nonconformities related to parking, height, setbacks, elevator size for gurney transport, or modulation do not prohibit the addition of dwelling units or living units

within an existing building may remain.

2. A building permit application for dwelling units or living units within an existing building shall not be denied solely because of an existing nonconformity listed below, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

   a. Existing nonconformities related to: parking, height, setbacks, elevator size for gurney transport, or modulation.

Commented [MB13]: RCW 35A.21.440(2)(h)

J. Transportation and Environmental Studies.

Commented [MB14]: The City shall not require a transportation concurrency study under RCW 36.70A.070 or an environmental study under Chapter 43.21C RCW based solely on the addition of residential units within an existing building.

1. A transportation concurrency study is not required solely because dwelling units or living units are added within an existing building.

2. An environmental study under the State Environmental Policy Act (SEPA) is not required solely because dwelling units or living units are added within an existing building.

3. This section does not limit the City's authority to require transportation or environmental review when required for other aspects of the proposal that are separate from the addition of dwelling units or living units within an existing building.

Commented [MB15]: RCW 35A.21.440(2)(i)

K. Life Safety. Nothing in this section requires the City to approve a building permit application for the addition of dwelling units or living units constructed entirely within an existing building envelope when the building cannot satisfy applicable life safety standards.

Commented [MB16]: RCW 35A.21.440(3)

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-13 **Adaptability for Reuse / Compartmentalization / Redevelopment**

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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 footage 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.~~

Commented [LT1]: New section.

4. Mobile sales / concessions

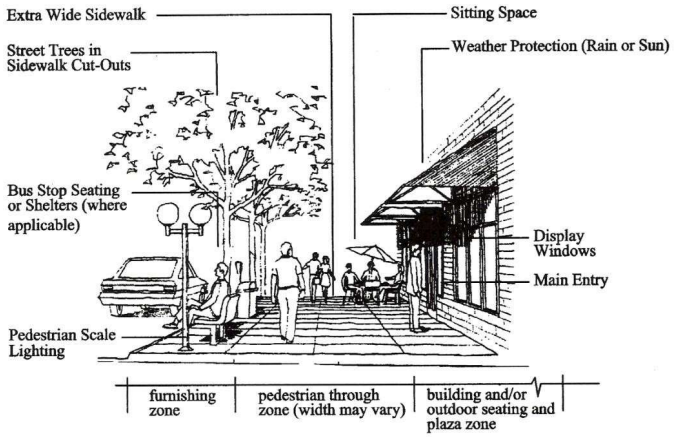
a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

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.

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

10-2G-13 Adaptability for Reuse / Compartmentalization / Redevelopment

A. Purpose. The purpose of this section is to encourage the conversion of existing buildings to housing.

B. Applicability. This section applies to the addition of dwelling units or living units within an existing building.

1. Existing Building Defined. For purposes of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add dwelling units or living units.

C. Density.

1. Dwelling units or living units may be added within an existing building at a density up to 50 percent greater than the maximum density otherwise allowed in the underlying zone, provided the units are constructed entirely within the existing building envelope.

2. The additional density allowed under this subsection applies only when the proposed dwelling units or living units comply with generally applicable health and safety standards, including building code, fire code, and life safety standards.

D. Parking. Retention of existing parking that is required to satisfy existing residential parking requirements under Chapter 3, Article 10-3D; including parking as required for nonresidential uses that remain after the new units are added.

E. Design and Development Standards. The development is required to adhere to applicable design standards under 10-2G-12.

F. Exterior Design and Architectural Requirements.

1. The residential use of an existing building is not subject to additional exterior design or architectural requirements, except as provided in this subsection.

2. Exterior design or architectural requirements may be applied only when necessary to address health and safety related to the use of the interior of the building or to

Commented [LT4]: This will be the same for all Mixed Use zones.

Commented [MB5]: RCW 35A.21.440(2)(a)

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Commented [MB6R2]: RCW 35A.21.440(2)(b)

Commented [MB7]: RCW 35A.21.440(2)(d)

preserve character-defining streetscapes.

a. 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.

b. Additional exterior design or architectural requirements may also apply when the building is a designated landmark or is located within a historic district established through a local preservation ordinance.

G. Location of Housing Units Within Existing Buildings.

1. Dwelling units or living units may be added within any portion of an existing building, provided the proposed units comply with applicable building code, fire code, life safety, and health standards.

2. Ground-floor commercial or retail space may be converted to dwelling units or living units. The City may limit or prohibit conversion of ground-floor commercial or retail space located along a major pedestrian corridor in order to preserve active commercial or retail frontage.

H. Energy Code.

1. When an existing building, or portion of an existing building, is converted to dwelling units or living units, the changed portions of each new unit shall comply with the current energy code, except as provided in subsection H2.

2. The changed portions of each new dwelling unit or living unit are not required to meet the current energy code when one of the following applies:

a. The square footage of new dwelling units does not exceed 2,500 square feet or fifty percent of the total building square footage, whichever is greater;

b. The building owner submits documentation, in a form acceptable to the City, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard consistent with state law; or

c. In an area zoned for residential housing, an additional housing unit is created within an existing home.

I. Nonconformities.

Commented [MB8]: RCW 35A.21.440(2)(d)

Commented [MB9]: Kept from Limited Use section

Commented [MB10]: RCW 35A.21.440(2)(f)

Commented [MB11]: RCW 35A.21.440(2)(g)

Commented [MB12]: The City shall not deny a building permit application for the addition of dwelling units or living units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

1. Existing nonconformities related to parking, height, setbacks, elevator size for gurney transport, or modulation do not prohibit the addition of dwelling units or living units within an existing building may remain.

2. A building permit application for dwelling units or living units within an existing building shall not be denied solely because of an existing nonconformity listed below, unless the City official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

   a. Existing nonconformities related to: parking, height, setbacks, elevator size for gurney transport, or modulation.

Commented [MB13]: RCW 35A.21.440(2)(h)

J. Transportation and Environmental Studies.

Commented [MB14]: The City shall not require a transportation concurrency study under RCW 36.70A.070 or an environmental study under Chapter 43.21C RCW based solely on the addition of residential units within an existing building.

1. A transportation concurrency study is not required solely because dwelling units or living units are added within an existing building.

2. An environmental study under the State Environmental Policy Act (SEPA) is not required solely because dwelling units or living units are added within an existing building.

3. This section does not limit the City's authority to require transportation or environmental review when required for other aspects of the proposal that are separate from the addition of dwelling units or living units within an existing building.

Commented [MB15]: RCW 35A.21.440(2)(i)

K. Life Safety. Nothing in this section requires the City to approve a building permit application for the addition of dwelling units or living units constructed entirely within an existing building envelope when the building cannot satisfy applicable life safety standards.

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Commented [MB16]: RCW 35A.21.440(3)

CHAPTER 3
DESIGN AND MAINTENANCE STANDARDS

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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 (ADUs)	• 0 spaces if within one-half mile walking distance of a major transit stop. • 1 space per dwelling unit for lots smaller than 6,000 square feet. • 2 spaces per dwelling unit for lots 6,000 square feet or larger.
Single family detached housing / zero lot line / manufactured homes on individual lots	2 spaces per dwelling unit
Manufactured home parks	2 spaces per dwelling unit
Two- and three-family housing	• 0 spaces if within one-half mile walking distance of a major transit stop. • 1 space per dwelling unit for lots smaller than 6,000 square feet. • 1.75 spaces per dwelling unit for lots 6,000 square feet or larger.
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

Commented [LT1]: The STA park and ride should be considered a major transit stop since it provides services at 30 minute intervals during the peak hours or operation.

Commented [LT1R2]: This will be addressed in the "Definitions" update.

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Commented [LT2]: "Middle Housing," which in Liberty Lake's case means duplexes and triplexes, have the same new parking standards for ADUs regarding the lot size and the distance to a the park and ride.

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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.

~~iii.~~e. Projects for transportation facilities and services of highways of statewide significance.

Commented [LT1]: RCW 36.70A.070(6)(a)(iii)(C).

To be defined in the definitions section.

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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. Current and planned Level of Service capacity, detailed~~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 vehicle LOS standards, and bicycle and pedestrian facilities on affected collectors and arterials meet the adopted multimodal LOS 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, and any deficient bicycle and pedestrian facilities on affected collectors and arterials being brought into conformance with the adopted multimodal level of service standard.

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.

Commented [EL2]: Required per RCW 36.70A.070(6)(a)(iii)(B). Per Comp Plan, "it is proposed that Liberty Lakes MMLOS for all collectors and arterials be the provision of sidewalks and bike facilities meeting the City's engineering design standards, on both sides of a collector or arterial street." (pp. 112-113)

Commented [EL3]: Implements Climate Policy 3.3.3.

10-4D-14 Unit Lot Subdivisions (ULS)

A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.

A. Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.
   1. Nothing prohibits a city or town from applying public health, safety, building code, and environmental permitting requirements to a development project that is subject to or integrated with a unit lot subdivision process.
   2. Nothing requires a city or town to authorize a development project or a unit lot subdivision in a location where development is restricted under other laws, rules or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

B. Applicability. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.

C. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.

D. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.

E. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.

F. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

G. Notes shall be prominently placed on the face of the plat or short plat as recorded with the county auditor to state the following:
   1. The title of the plat shall include the phrase "Unit Lot Subdivision."
   2. Approval of the development (design and layout) on each unit lot was granted by the review of the development, as a whole, on the parent lot under file # _____.
   3. Subsequent subdivision actions, additions, or modifications to the unit lot housing development, including all structures, may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved unit lot housing development project or to the land use and development standards.
   4. If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested.
   5. Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

H. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the on the preliminary approval.

Commented [LT4]: This is a new, required, separate sub-section of the subdivision procedure. It is meant to be used in tangent with the typical subdivision process.

This language was provided by Commerce to meet the new Unit Lot Subdivision requirements.

Due to some formatting issues, it was easier to add this without tracked changes.

RCW 58.17.060(3): "All cities and towns located in a county planning under RCW 36.70A.040 shall adopt or enact procedures for unit lot subdivisions. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the
owners of the individual unit lots."

https://app.leg.wa.gov/rcw/default.aspx?cite=58.17.060

I. All unit lot subdivisions shall require notification to purchasers of their legal status, as consistent with state law.
J. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.
K. Definitions:
    1. "Lot, parent" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.
    2. "Lot, unit" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.
    3. "Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.
    4. "Clear and objective design and development standards" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.
L. Process Procedures:
    1. No public pre-decision meeting or hearing, nor any design review other than administrative design review, except for those required to comply with state law, including the Shoreline Management Act, when applicable.
    2. All property owners and the community within 250' of the unit lot subdivision shall be provided notice, including through notice posted on the closest public sidewalk or roadway indicating how to provide written comments to the administrative decision maker.
    3. The review and approval of a unit lot subdivision shall be logically integrated with the application, review and approval procedures for the underlying housing development project, to the greatest extent possible.
    4. Review of a unit lot subdivision shall be subject to the maximum time period for local government actions as set forth in state law, unless extended pursuant to project-specific mutual agreement as permitted by state law.

CHAPTER 6
ENVIRONMENT

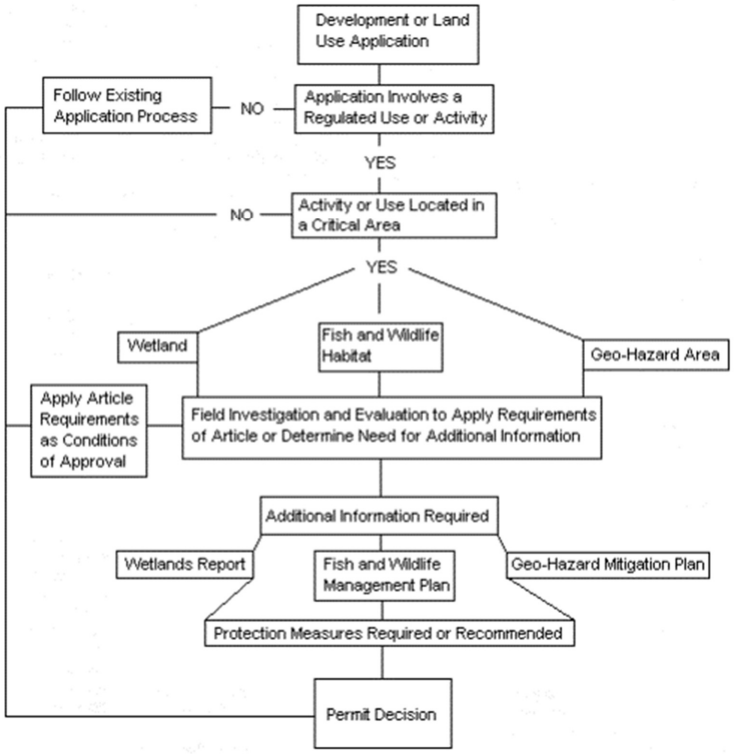
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E. Coordination with Other Permit Processes.

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.

CRITICAL AREA PROTECTION PROCESS



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. No Net Loss

1. Regulated activities shall be designed and carried out to result in no net loss of critical area functions and values. The applicant shall demonstrate that the proposal maintains the existing functions and values of the affected critical area, associated buffer, and the ecosystem of which the critical area is a part.
2. Mitigation Sequencing Required. Applicants shall use the following sequence to address impacts to critical areas and buffers:
   a. Avoid the impact altogether by not taking a certain action or parts of an action;
   b. Minimize impacts by limiting the degree or magnitude of the action and its implementation;
   c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
   d. Reduce or eliminate the impact over time through preservation and maintenance during the life of the action;
   e. Compensate for the impact by replacing, enhancing, restoring, or providing substitute resources or environments; and
   f. Monitor the impact and the required mitigation and take corrective action when necessary.
3. Compensatory Mitigation. When impacts to a critical area or buffer are allowed under this article, the applicant shall provide compensatory mitigation sufficient to offset the authorized impacts and achieve no net loss of critical area functions and values.
4. Critical Area Report. The City may require a critical area report, mitigation plan, monitoring plan, or other technical analysis prepared by a qualified professional to demonstrate compliance with this section. The report shall identify existing critical area functions and values, evaluate potential impacts, and identify mitigation necessary to achieve no net loss.
5. Best Available Science. Mitigation shall be based on best available science and shall be designed to replace, restore, enhance, or otherwise compensate for the affected critical area functions and values, as established under the Washington State Growth Management Act and further clarified in Washington Administrative Code.
6. Monitoring and Corrective Action. Required mitigation shall include monitoring, maintenance, and corrective action when necessary to ensure that the mitigation achieves the required functions and values.
7. Approval Criteria. A regulated activity may be approved only when the applicant demonstrates that the proposal, including any required mitigation, complies with this section and results in no net loss of critical area functions and values.

~~G.~~H. 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.

Commented [MB1]: This section implements RCW 36.70A.060, RCW 36.70A.172, and WAC 365-196-830 by requiring regulated activities in or affecting critical areas and buffers to avoid, minimize, and mitigate impacts as necessary to achieve no net loss of critical area functions and values.

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Commented [MB2]: RCW 36.70A.172

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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.

a. Riparian buffer areas shall be established from the ordinary high-water mark.

i. Site-Specific Tree Height Buffer Standard. Buffers for Fish and Wildlife Habitat Conservation Areas associated with streams and riparian wetlands shall be established using a site-specific tree height standard guidelines and calculator. For dryland ecosystems, the minimum buffer width shall be equal to the average mature height of the dominant native tree species present within the adjacent riparian plant community, or 100 feet, whichever is greater. For those areas without a site-potential tree height value, or imputed site-potential tree height value, the city or applicant may consult with a WDFW Habitat Biologist to find out what riparian management zone width values the project site shall be.

1. The buffer shall be measured horizontally from the ordinary high water mark of a stream, or from the delineated edge of a riparian wetland. If a channel migration zone (CMZ) is present, then RMZ shall be measured horizontally from the edge of the CMZ.

2. The applicant shall submit a report prepared by a qualified professional (e.g., forester, ecologist, or wetland scientist) that:

   a. Identifies the dominant native tree species on or adjacent to the site;

   b. Provides documented mature tree height estimates based on best available local data (e.g., WDFW PHS, NRCS plant guides, or field measurements);

   c. Demonstrates that the proposed buffer width based on tree height will maintain shade, erosion control, and habitat functions equivalent to or greater than the standard buffer width.

3. In areas lacking mature native vegetation, the buffer width shall default to 100 feet or the mature height of a regionally appropriate native riparian tree species, whichever is greater. Native revegetation may be required to ensure long-term functional performance.

4. Buffer width shall be increased where necessary to account for site-specific conditions including:

   a. Slopes exceeding 30 percent

   b. Highly erodible soils

   c. Documented habitat for federally or state-listed endangered, threatened, or sensitive species

   d. Wetlands with high habitat scores or overlapping critical area buffers

5. Buffers shall be maintained or enhanced in a fully vegetated, undisturbed condition unless otherwise authorized through a permit or habitat management plan consistent with this chapter.

6. The City reserves the right to require an increase in the buffer width based on site conditions including slope, erosion hazard, species habitat, or adjacent land uses.

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~~e. 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:~~

~~f. Water Type, General Description (see WAC 222-16-030)~~	~~g. Riparian Buffer~~
~~h. Type 1, Shorelines of Statewide Significance~~	~~i. 250 feet~~
~~j. Type 2, Perennial stream with channel >20' wide~~	~~k. 100 feet~~
~~l. Type 3, Perennial stream with channel >10' wide~~	~~m. 100 feet~~
~~n. Type 4, Stream with channel <10', effects quality of type 1, 2, or 3~~	~~o. 75 feet~~
~~p. Type 5, Stream not classified as 1, 2, 3 or 4~~	~~q. 25 feet *~~

~~r. * = No buffering requirement for type 5 streams when there is no connection to type 1, 2, 3 or 4 stream~~

~~s.~~e. 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.

~~t.~~f. 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.

~~u.~~g. 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