PLANNING COMMISSION MEETING AGENDA
WEDNESDAY, October 14, 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 September 9, 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 September 9, 2026

5. **PUBLIC HEARINGS**
   - Housing Accountability Act (HAA) & Alignment with the Comprehensive Plan with a Presentation from the Department of Commerce

6. **WORKSHOPS:**
   - Comprehensive Plan and Development Code Updates Status Review

7. **ACTION ITEMS:**
   - None

8. **CITIZEN COMMENTS**

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

10. Adjournment

Next Meeting: November 18, 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, SEPTEMBER 9, 2026
HELD VIA ZOOM & IN PERSON AT CITY HALL

Planning Commission Members Present: Tom Sahlberg (Chairperson), Phil Folyer, Joe Mann, Dg Garcia, and Gene Heuschel

Adjunct Member(s) Present: Abby Sprague and Troy Mullenix

Staff Present: Lance Mueller, Mark McAvoy, and Kathy Cummings

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

Roll Call: A quorum of members was present.

The Pledge of Allegiance was led by Commissioner Heuschel.

The City Administrator, Mark McAvoy, addressed the Commission with an update on the status of the Community Development director position, and that he will act as Interim.

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

Approval of Minutes: Commissioner Heuschel motioned to approve the August 12th meeting minutes, seconded by Commissioner Mann. The motion passed unanimously.

Workshops:

Development Code Amendments: Gen Dial and Liam Taylor, consultants with SCJ Alliance, presented more of the red-lined changes and final edits to the City's Development Code. Staff and the Commission discussed the proposed revisions throughout the presentation. An update on the process and the next steps for all the Development Code revisions was also given.

Rezone Inquiry for Parcel 55103.0204: Staff presented the location and current zoning of this parcel. The Commission agreed that the Industrial zoning classification does not allow for "best use" especially given the parcel location. After further discussion, the Commission is not necessarily opposed to considering a change in zoning for this parcel, however they are not interested in considering the change unless it is tied to a demand for a specific use and user.

Citizen Comments: None

Secretary's Report: Commissioner Baumker resigned from the Commission effective August 15th and there is now an open position that will be advertised. Commissioner Sprague may fill this position and therefore, it may be an adjunct position that will be advertised.

After voluntary review of our housing section of the Comprehensive Plan and the City's housing codes by the Department of Commerce, we are required to hold a public hearing with Commerce and the Planning Commission. This will be held at our next Planning Commission meeting on October 14th.

Sign code review is being pushed to Spring. Legal review will occur at the end of this year or at the beginning of next year.

Commissioner's Reports: Commissioner Mann invited the Commission to attend the upcoming Cops, Cars, and Cruisers event planned for Saturday, September 12th at Pavillion Park from 9:00 a.m. to 3:00 p.m.

Vice Chairperson Folyer asked the Commission to accept his resignation. He shared that he had enjoyed working with everyone and had accomplished what he had intended to do, which was to remain on the Commission through the development of the Comprehensive Plan. Commissioner Sahlberg motioned to nominate Commissioner Heuschel for the Vice Chairperson position. The nomination was seconded by Commissioner Mann. The motion was unopposed.

Commissioner Heuschel expressed appreciation for holding two Planning Commission meetings each month, noting that the increased opportunities for communication and discussion among the Commission were very informative. The opportunity for two meetings a month may come with the various upcoming changes to the Development Code in the near future.

A motion to excuse Commissioner Charlie Jencks was made by Commissioner Mullenix, seconded by Commissioner Heuschel. The motion was carried unopposed.

Adjournment: Commissioner Sahlberg declared the meeting adjourned at 4:58 p.m

DRAFT

SCJ ALLIANCE
CONSULTING SERVICES

Technical Memo

To: City of Liberty Lake Staff

From: SCJ Alliance

Date: October 9, 2026

Project: Liberty Lake Comprehensive Plan Support

Subject: Comprehensive Plan Agency Comment Review – HAA Summary

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Introduction

The Housing Accountability Act (HAA), enacted in 2025, established a process for the Washington State Department of Commerce (Commerce) to review local governments' comprehensive plans and housing development regulations for consistency with state law. The law provides local governments a formal avenue to request Commerce review of their housing elements and development regulations. Under this law, the City of Liberty Lake volunteered to undergo review of its Comprehensive Plan's Housing Element and housing-related development regulations by Commerce.

This memo outlines the findings that Commerce made during their HAA review, and how to address any requested revisions.

GMA Housing Planning Goal

Commerce found that found that because the city identified sufficient land capacity, the city has planned for and accommodated housing affordable to all economic segments of the population consistent with the GMA housing goal in RCW 36.70A.020(4).

Commerce found the City's housing element and housing policies within are consistent with the housing goal in the GMA to promote a variety of residential densities and housing types and encourage preservation of existing housing stock based on Commerce's findings under "goals and policies for housing development and preservation."

Commerce determined that no changes are needed to be consistent with the GMA housing planning goal in RCW 36.70A.020(4).

SCJ ALLIANCE
CONSULTING SERVICES

Housing Element Requirements

Inventory & Analysis of Housing Needs, RCW 36.70A.070(2)(a)

Commerce found that the City includes an inventory of existing and projected housing needs over the planning period by income level on pages 61-62 of the Comprehensive Plan. This includes a statement of the number of units necessary to manage projected growth, which is consistent with figures provided by Commerce and allocated in coordination with the county as required by RCW 36.70A.070(2)(a) and WAC 365-196-410(2)(c)(iii).

Changes Needed:

To fully address the requirements in RCW 36.70A.070(2)(a) and align with WAC 365-196-410(1)(a) and (2)(b), the City will need to provide additional information on existing housing: inventories of various types of housing in the city, median home sales prices, and average rental prices. If available, information about special-purpose housing types in the city such as group homes, nursing homes, and homes for seniors should be included.

Goals & Policies for Housing Development & Preservation, RCW 36.70A.070(2)(b)

Commerce found that the City's housing element includes goals and policies which address the preservation, improvement and development of housing, including moderate density housing types.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(b).

Sufficient Capacity of Land for Housing, RCW 36.70A.070(2)(c)

Commerce found that the City's housing element (p. 63-65) and Appendix B: Land Capacity Analysis documents the city has sufficient capacity of land for housing needs at all income levels, including emergency housing and permanent supportive housing.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(c).

Adequate Provisions for Housing Needs, RCW 36.70A.070(2)(d)

Commerce found that the City's:

1. Land capacity analysis and policies incorporate consideration for low, very low, extremely low and moderate-income households;
2. Housing element (p. 63 and 75-80) and Appendix H: Housing Policy Analysis, Implementation Strategies & Programs documents programs and actions needed to achieve housing availability including gaps in local funding and local barriers;
3. Land use map (p. 86) and Housing Policy 3.6 consider housing locations in relation to employment locations, and
4. Housing policy 2.2 and the land capacity analysis (p. 63) considers of the role of accessory dwelling units in meeting housing needs.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(d). Please note that to fully address the requirements in RCW 36.70A.070(2)(d), the City will also need to adopt any development regulations identified as "adequate provisions" actions.

Identifies Policies & Regulations Impacting Racially Disparate Impacts, Displacement & Exclusion in Housing, RCW 36.70A.070(2)(e)

In their review of the housing element, Commerce found a comprehensive analysis of data assessing racially disparate impacts, exclusion and displacement risk including assessment of racial diversity, cost burdening of households by race, and owner and rental trends by race (p. 66-75). Their review also found a housing policy evaluation showing where policies may lead to racially disparate impacts, displacement and exclusion in Appendix F: Liberty Lake Racially Disparate Impacts Analysis.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(e).

Policies to Address Racially Disparate Impacts, Displacement & Exclusion, RCW 36.70A.070(2)(f)

Commerce found that the City has made amendments to its housing policies based on the evaluation of how housing element policies may have led to racially disparate impacts, displacement and exclusion in housing. In particular, the City has made edits to the policies under Housing Goal 1 and 2. Additionally, the City has added new policies to specifically address and begin to undo racially disparate impacts, displacement and exclusion in housing caused by local policies, including Housing Policy 2.10 and 2.13

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(f).

Identifies Areas at Risk of Displacement, RCW 36.70A.070(2)(g)

Commerce found that City has identified areas that may be at higher risk of displacement on pages 72-73.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(g).

Establishes Anti-Displacement Policies, RCW 36.70A.070(2)(h)

Commerce found that the City has established an anti-displacement policy with Housing Policy 2.13. Additionally, other policies support preservation of existing housing and households (Housing Policy 2.10 and Community Services Policy 2.6) and encourage more affordable housing (see Analysis 2(B) and Community Services Policy 2.1), all of which helps to address displacement.

Commerce determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(h).

Relevant Rules Adopted by the Department

Commerce reviewed the City of Liberty Lake's comprehensive plan against the housing guidance in WAC 365-196. Unless stated otherwise in other sections of this memo, Commerce found that the city's comprehensive plan was consistent with WAC 365-196.

Commerce determined that no changes are needed to be consistent with the housing components in WAC 365-196 unless stated in other sections of this memo.

State Environmental Policy Act (SEPA) Requirements

Commerce found that the City has completed required SEPA processes for updates to the comprehensive plan (SEPA # 202602532).

Commerce determined that no changes are needed for the Comprehensive Plan to be consistent with the procedural requirements of SEPA in chapter 43.21C RCW. The City will still need to complete the procedural SEPA requirements for the development regulations updates.

Internal Consistency

Commerce found no internal inconsistencies in the City's Comprehensive Plan. The other elements of the plan sufficiently plan for and address the housing growth discussed in the housing element.

Commerce determined that no changes are needed for the city's housing element to be internally consistent with the jurisdiction's Comprehensive Plan.

Summary

Overall, the HAA review identified a manageable set of remaining revisions and coordination items. While the number of individual comments is substantial, the great majority do not translate into substantial additional work. Most can be addressed through minor edits, responses, or future implementation. The remaining substantive effort is concentrated in a relatively small group of Commerce compliance items. Accordingly, the agency review should be manageable within the City's existing Comprehensive Plan update process and should not, by itself, require a major change to the anticipated adoption timeline.

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1500 Jefferson Street SE | PO Box 42525 | Olympia, Washington 98501 | 360-725-4000
www.commerce.wa.gov

September 15, 2026

The Honorable Cris Kaminskas
Mayor of Liberty Lake
c/o Amy Mullerleile, Community Development Director

Sent via electronic mail: amullerleile@libertylakewa.gov

Re: Housing Accountability Act review of city of Liberty Lake's housing element (revised)[1]

Dear Mayor Kaminskas,

Thank you for participating in the voluntary program of the Housing Accountability Act (HAA). The Growth Management Housing Policy Team at the Washington State Department of Commerce ("Commerce") has completed review of the comprehensive plan portion of the HAA voluntary review materials under the evaluation framework provided by RCW 36.70A.835. Commerce will review the city's housing-related development regulations under the HAA voluntary review program once those are submitted.

The enclosed preliminary report describes our review of the city's housing element against the requirements of RCW 36.70A.835(7)(a). Commerce found some of the city's materials to be inconsistent with the requirements. Please see the attached report for Commerce's review and detailed descriptions of the changes needed before the city adopts a final comprehensive plan.

If you have any questions about the information presented in this report, please contact us by email at gmshaa@commerce.wa.gov. The HAA team is available to provide technical assistance on specific requirements, to answer general questions, and can attend upcoming meetings with your planning commission and/or council. We appreciate your continued collaboration and aim to be a resource in supporting the city of Liberty Lake's efforts to plan for and accommodate housing for all members of the community.

Sincerely,

Laura K Hodgson

Laura Hodgson
Housing Planning and Data Manager
Growth Management Services

cc: Mark McAvoy, City Administrator

[1] The September 15 report updates the August 12 report to align the correction actions in the Executive Summary with Analysis 5 in the main report.

Dave Andersen, AICP, Managing Director, Growth Management Services
Valerie Smith, AICP, Deputy Managing Director, Growth Management Services
Carol Holman, MUP, Western Regional Manager, Growth Management Services
Ben Serr, AICP, Eastern Regional Manager, Growth Management Services
Anne Fritzel, AICP, Housing Section Manager, Growth Management Services
Melissa Alofaituli, AICP, Senior Planner, Growth Management Services

Housing Accountability Act Preliminary Report
City of Liberty Lake
September 15, 2026

Executive Summary

In 2025, the Washington State Legislature passed the Housing Accountability Act (HAA) and it is primarily codified in RCW 36.70A.835. This law establishes voluntary and selected processes for Commerce to review and approve the comprehensive plan housing element and housing development regulations of any local governments that are fully planning under the Growth Management Act (GMA).

The city of Liberty Lake's draft comprehensive plan housing element was submitted prior to final adoption for review under RCW 36.70A.835(2)(a). Growth Management Services (GMS) received the proposed comprehensive plan amendments on June 15, 2026, and processed it with material identification number 2026-S-12929. The city's housing development regulations will be submitted later, prior to final adoption.

The Department of Commerce's Growth Management Housing Policy Team ("Commerce") has reviewed the city's housing element for consistency with the following laws and regulations listed in RCW 36.70A.835(7)(a):

1. Growth Management Act (GMA) housing planning goal (RCW 36.70A.020(4))
2. Housing element requirements in the GMA (RCW 36.70A.070(2))
3. Relevant rules in the Washington Administrative Code
4. State Environmental Policy Act requirements (chapter 43.21C RCW)
5. The city's comprehensive plan

The Department of Commerce finds that the city of Liberty Lake's comprehensive plan housing element is inconsistent with the following requirements. The city must take the following actions to resolve the identified inconsistencies to receive a determination of compliance from Commerce**.**

1. **Requirement:** Inventory and analysis of housing needs, per RCW 36.70A.070(2)(a). **Action:** Provide additional information on existing housing such as inventories of various types of housing in the city and information on median homes sales prices and average rental prices. See Analysis 2(A).

To proceed with the HAA voluntary program after revisions are made to meet these requirements, the city will need to submit its formal HAA voluntary review application as described below. Before formal application, the city may choose to withdraw its voluntary review notice of intent. If Commerce determines that the city's amended housing element is still inconsistent with the requirements in RCW 36.70A.835(7), the city may be considered ineligible for certain state infrastructure grants and loans.

Introduction

The Washington State Legislature passed the Housing Accountability Act (HAA) in 2025, and it is primarily codified in RCW 36.70A.835. This law establishes voluntary and selected processes for Commerce to review and approve the comprehensive plan housing element and housing development regulations of any local government that is fully planning under the GMA.

The city of Liberty Lake submitted its notice of intent for voluntary review on September 10, 2025. The city submitted the proposed comprehensive plan amendments on June 15, 2026, which were processed with material identification number 2026-S-12929.

This report summarizes Commerce's review of Liberty Lake's housing element under the Housing Accountability Act. It was reviewed for consistency with the requirements in RCW 36.70A.835(7)(a). For each requirement, this report includes:

1. A scope of review to provide information on how consistency was evaluated. These review requirements are derived from the Revised Code of Washington (RCW), Washington Administrative Code (WAC) and Commerce guidance.
2. An analysis of how the city's materials respond to the requirements and if they are consistent.
3. Where the city's plans, policies or regulations are inconsistent with the requirements, actions necessary to resolve the inconsistency.

Before adoption of the updated housing element and housing-related development regulations, Commerce will hold a joint public hearing with the local government to accept public testimony.[2]

After amendments are adopted, the city of Liberty Lake must submit its adopted materials to Commerce along with the materials listed in RCW 36.70A.835(5)(a), which include:

1. A cover letter from the legislative authority requesting final HAA review of the housing element or housing development regulations;
2. A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the housing element or housing development regulations;
3. A statement explaining how the adopted housing element or housing development regulations comply with the laws and regulations identified in RCW 36.70A.835(7); and
4. A copy of the record developed by the city at any public meeting or public hearing at which action was taken on the housing element or housing development regulations.

Please submit all required items in PlanView and email to gmshaa@commerce.wa.gov to notify the Housing Accountability Act team that material has been submitted for review. Per RCW 36.70A.835(4), the jurisdiction's housing element and housing development regulations subject to review under HAA shall not take effect until Commerce issues a final decision of compliance.

If compliance is not achieved

If Commerce determines that the city's amended housing element or housing development regulations are still inconsistent with the requirements in RCW 36.70A.835(7), the city may be considered ineligible for certain state infrastructure grants and loans which use GMA compliance as a basis for awarding funding (RCW 36.70A.130(7)(b)), as detailed in WAC 365-196-585. The jurisdiction will remain out of compliance until it amends its housing element and/or housing development regulations to be consistent with the requirements in RCW 36.70A.835(7) and Commerce issues a decision of compliance.

As the city Liberty Lake works through the HAA process, housing planning resources can be found online on Commerce's Housing Planning webpage. Commerce's Housing Accountability Act team is also available for technical assistance; the team can be reached at gmshaa@commerce.wa.gov.

[2] See more information on the joint hearing in the HAA fact sheet.

Analysis

1. GMA housing planning goal

Scope of review
The housing element must be consistent with the housing goal in the GMA (RCW 36.70A.020(4)), including:

- Plan for and accommodate housing affordable to all economic segments of the population of this state,
- Promote a variety of residential densities and housing types, and
- Encourage preservation of existing housing stock.

Findings
Commerce has found that because the city has identified sufficient land capacity in section 2(C), the city has planned for and accommodated housing affordable to all economic segments of the population consistent with the GMA housing goal in RCW 36.70A.020(4).

Commerce has found the city's housing element and housing policies within are consistent with the housing goal in the GMA to promote a variety of residential densities and housing types and encourage preservation of existing housing stock based on Commerce's findings in section 2(B) under "goals and policies for housing development and preservation."

We have determined that no changes are needed to be consistent with the GMA housing planning goal in RCW 36.70A.020(4).

2. Housing element requirements

Scope of review
The housing element must be consistent with all housing element requirements in the GMA (RCW 36.70A.070(2)), including:

a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth as provided by the Department of Commerce through your countywide allocation process,
b) Includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing, including moderate density housing options within an urban growth area (UGA),
c) Identifies sufficient capacity of land for housing as required by RCW 36.70A.070(2)(c),
d) Makes adequate provisions for existing and projected needs of all economic segments of the community,
e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing
f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions,
g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments,
h) Establishes anti-displacement policies.

2(A). Inventory and analysis of housing needs, RCW 36.70A.070(2)(a)

RCW 36.70A.070(2)(a) requires that the housing element include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the Department of Commerce, and as allocated through a countywide process, including units for moderate, low, very low and extremely low-income households; and emergency housing, emergency shelters and permanent supportive housing.

Findings
Commerce has found that the city includes an inventory of existing and projected housing needs over the planning period by income level on pages 61-62. This includes a statement of the number of units necessary to manage projected growth, which is consistent with figures provided by Commerce and allocated in coordination with the county as required by RCW 36.70A.070(2)(a) and WAC 365-196-410(2)(c)(iii).

Changes needed
To fully address the requirements in RCW 36.70A.070(2)(a) and align with WAC 365-196-410(1)(a) and (2)(b), the city will need to provide additional information on existing housing: inventories of various types of housing in the city, median home sales prices, and average rental prices. If available, information about special-purpose housing types in the city such as group homes, nursing homes, and homes for seniors should be included. The University of

Washington Center for Real Estate Research has much of this data available on the following webpages:

1. City annual permits dashboard: City Annual Permits – Real Estate Research
2. City housing market dashboard: City Dashboard – Real Estate Research
3. Census data with housing data profiles: Census Data Profiles – Real Estate Research

2(B). Goals and policies for housing development and preservation, RCW 36.70A.070(2)(b)

RCW 36.70A.070(2)(b) requires that the housing element include goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes and townhomes.

Findings
Commerce has found that the city's housing element includes goals and policies which address the preservation, improvement and development of housing, including moderate density housing types.

1. Preservation and/or improvement are addressed in the following goals or policies: Housing Policy 2.10 and 2.13.
2. Development of housing is addressed in the following goals or policies: Housing Policy 1.1, 2.6. 2.7, 2.8, 2.9, 2.11, 2.12, 3.3, 3.5, and 3.6.
3. Moderate density housing development is addressed in the following goals or policies: Housing Policy 2.1 and 2.2.

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(b).

2(C). Sufficient capacity of land for housing, RCW 36.70A.070(2)(c)

RCW 36.70A.070(2)(c) requires that the housing element identify sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes and townhomes.

Findings
Commerce has found that the city's housing element (p. 63-65) and Appendix B: Land Capacity Analysis documents the city has sufficient capacity of land for housing needs at all income levels, including emergency housing and permanent supportive housing.

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(c).

2(D). Adequate provisions for housing needs, RCW 36.70A.070(2)(d)

RCW 36.70A.070(2)(d) requires that the housing element make adequate provisions for existing and projected needs of all economic segments of the community, including:

1. Incorporating consideration for low, very low, extremely low and moderate-income households;
2. Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
3. Consideration of housing locations in relation to employment location; and
4. Consideration of the role of accessory dwelling units in meeting housing needs.

Any identified actions to achieve housing availability which pertain to development regulations must be adopted in the city's development code concurrently with the comprehensive plan.[3]

Findings

Commerce has found that the city's:

1. Land capacity analysis and policies incorporate consideration for low, very low, extremely low and moderate-income households;
2. Housing element (p. 63 and 75-80) and *Appendix H: Housing Policy Analysis, Implementation Strategies & Programs* documents programs and actions needed to achieve housing availability including gaps in local funding and local barriers;
3. Land use map (p. 86) and Housing Policy 3.6 consider housing locations in relation to employment locations, and
4. Housing policy 2.2 and the land capacity analysis (p. 63) considers of the role of accessory dwelling units in meeting housing needs.

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(d). Please note that to fully address the requirements in RCW 36.70A.070(2)(d), the city will also need to adopt any development regulations identified as "adequate provisions" actions.

2(E). Identifies policies and regulations impacting racially disparate impacts, displacement and exclusion in housing, RCW 36.70A.070(2)(e)

RCW 36.70A.070(2)(e) requires that the housing element identify local policies and regulations that result in racially disparate impacts, displacement and exclusion in housing, including:

1. Zoning that may have a discriminatory effect,
2. Disinvestment, and
3. Infrastructure availability.

Findings

In our review of the housing element, Commerce found a comprehensive analysis of data assessing racially disparate impacts, exclusion and displacement risk including assessment of racial diversity, cost burdening of households by race, and owner and rental trends by race (p. 66-75). Our review also found a housing policy evaluation showing where policies may lead to racially disparate impacts, displacement and exclusion in *Appendix F: Liberty Lake Racially Disparate Impacts Analysis.*

[3] Futurewise et al. v. City of Mercer Island, GMHB Case No. 25-3-0003, Final Decision and Order (Aug. 1, 2025)

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(e).

2(F). Policies to address racially disparate impacts, displacement and exclusion, RCW 36.70A.070(2)(f)

RCW 36.70A.070(2)(f) requires the housing element to identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement and exclusion in housing caused by local policies, plans and actions.

Findings
Commerce has found that the city has made amendments to its housing policies based on the evaluation of how housing element policies may have led to racially disparate impacts, displacement and exclusion in housing. In particular, the city has made edits to the policies under Housing Goal 1 and 2. Additionally, the city has added new policies to specifically address and begin to undo racially disparate impacts, displacement and exclusion in housing caused by local policies, including Housing Policy 2.10 and 2.13

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(f).

2(G). Identifies areas at risk of displacement, RCW 36.70A.070(2)(g)

RCW 36.70A.070(2)(g) requires the housing element to identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments.

Findings
Commerce has found that city has identified areas that may be at higher risk of displacement on pages 72-73.

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(g).

2(H). Establishes anti-displacement policies, RCW 36.70A.070(2)(h)

RCW 36.70A.070(2)(h) requires that the housing element establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

Findings
Commerce has found that the city has established an anti-displacement policy with Housing Policy 2.13. Additionally, other policies support preservation of existing housing and households (Housing Policy 2.10 and Community Services Policy 2.6) and encourage more affordable

housing (see Analysis 2(B) and Community Services Policy 2.1), all of which helps to address displacement.

We have determined that no changes are needed to be consistent with the housing element requirements in RCW 36.70A.070(2)(h).

3. Relevant rules adopted by the department

Scope of review
The housing element and development regulations must be consistent with relevant rules adopted by Commerce, including those in section 365-196 of the Washington Administrative Code (WAC). Specifically, Commerce has reviewed for the following sections:

- WAC 365-196-300: Urban density
- WAC 365-196-325: Providing sufficient land capacity suitable for development
- WAC 365-196-410: Housing element
- WAC 365-196-500: Internal consistency

The Washington Administrative Code (WAC) 365-196 includes procedural criteria that provides guidance for how local governments should implement the legislative requirements of the GMA.

Findings
Commerce reviewed the city of Liberty Lake's comprehensive plan against the housing guidance in WAC 365-196. Unless stated otherwise in other sections of this report, Commerce has found that the city's comprehensive plan was consistent with WAC 365-196.

We have determined that no changes are needed to be consistent with the housing components in WAC 365-196 unless stated in other sections of this report.

4. State environmental policy act (SEPA) requirements

Scope of review
The housing element and development regulations must be consistent with the procedural requirements of SEPA (chapter 43.21C RCW).

Findings
Commerce has found that the city has completed required SEPA processes for updates to the comprehensive plan (SEPA # 202602532).

We have determined that no changes are needed for the comprehensive plan to be consistent with the procedural requirements of SEPA in chapter 43.21C RCW. The city will still need to complete the procedural SEPA requirements for the development regulations updates.

5. Internal consistency

Scope of review
The housing element must be internally consistent with other elements of the jurisdiction's comprehensive plan. This means that the land use, capital facilities, utilities and transportation element plan for the same number and type of housing units as the housing element and land use element.

The preamble within RCW 36.70A.070 states that: "The [comprehensive] plan shall be an internally consistent document and all elements shall be consistent with the future land use map." For the elements within the comprehensive plan to be consistent, each element must plan for its relevant components to adequately serve the proposed growth.

Findings
Commerce found no internal inconsistencies in the city's comprehensive plan. The other elements of the plan sufficiently plan for and address the housing growth discussed in the housing element.

We have determined that no changes are needed for the city's housing element to be internally consistent with the jurisdiction's comprehensive plan.

Housing Accountability Act

Overview

The Housing Accountability Act (HAA) was adopted in 2025 as Chapter 269, Laws of 2025 (Senate Bill 5148). The HAA supports local housing planning by providing a process for Commerce review and approval of local government housing elements and housing development regulations.

- The **voluntary review process** offers local governments an opportunity to request Commerce review and approve local comprehensive plan housing elements and associated development regulations. Commerce must then defend approved housing elements or regulations if they are appealed to the Growth Management Hearings Board (GMHB).
- The **selected review process** allows for Commerce to select up to 10 cities or counties per year for a compliance review of housing elements and housing development regulations. Jurisdictions who are selected for review and determined to be non-compliant with state housing planning laws will be subject to the provisions of RCW 36.70A.835(11), known as the builder's remedy. They will also be ineligible for certain state infrastructure grants and loans which use Growth Management Act (GMA) compliance as a basis for awarding funds (WAC 365-196-585). Under this provision, jurisdictions may not deny an affordable or moderate-income housing development or approve such projects with conditions or restrictions that have a substantial adverse impact on the viability of the project.

This handout provides an overview of the voluntary and selected review procedures.

Requirements for review

Jurisdictions participating in the HAA voluntary or selected processes will be reviewed against the requirements in RCW 36.70A.835(7)(a). These include:

1. The housing planning goal in RCW 36.70A.020(4);
2. The housing element requirements in RCW 36.70A.070(2);



The Housing Accountability Act supports robust and accountable housing planning by providing a voluntary and selected approval process for local government housing elements and housing development regulations.

Agency contact

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Washington State Department of Commerce

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3. Any relevant rules adopted by Commerce in the Washington Administrative Code (WAC 365-196);
4. Any relevant state environmental policy act (SEPA) requirements in RCW 43.21C;
5. The county or city's comprehensive plan;
6. Emergency shelter, transitional housing, emergency housing, and permanent supportive housing requirements in RCW 35.21.683 and 35A.21.430;
7. Co-living requirements in RCW 36.70A.535;
8. Density bonuses required in RCW 36.70A.545;
9. Parking requirements in RCW 36.70A.620 and 36.70A.622;
10. Housing land capacity requirements in RCW 36.70A.115;
11. Middle housing requirements, as applicable, in RCW 36.70A.635–638; and
12. Accessory dwelling unit requirements in RCW 36.70A.680-682 and RCW 36.70A.696-69.

Checklists for these requirements are published on the Housing Accountability Act web page.

Voluntary review

Jurisdictions required to plan under RCW 36.70A.040 may request Commerce to review their housing element and any housing development regulations adopted or amended after July 27, 2025, to determine compliance with the laws and regulations in RCW 36.70A.835(7)(a). Commerce will defend approved plans and regulations before the GMHB should the jurisdiction's housing element or regulations be appealed.

Jurisdictions seeking approval of their housing element and regulations must provide a written notice of intent (NOI) to apply at least 120 days prior to HAA application and at least 110 days prior to final adoption. After NOI, Commerce will review the proposed housing element and regulations, provide technical assistance and advise the jurisdiction of the actions necessary to receive approval. Commerce will hold a joint public hearing with the local government prior to adoption. Within 10 days of final action to amend, repeal or replace the housing element or housing development regulations, jurisdictions must submit a formal HAA application to Commerce. Commerce will then review the adopted items and issue a written decision within 90 days.

Housing Accountability Act voluntary review timeline

A minimum of 120 days prior to application (~110 days prior to adoption) Jurisdiction submits Notice of Intent to apply for voluntary review. Jurisdiction submits documents and Commerce provides technical assistance.	**60 days prior to adoption** 60-day Notice of Intent to Adopt submitted in PlanView.	**Commerce provides report** of changes needed for approval.	**Joint public hearing** Joint hearing with the local govern-ment.	**LOCAL ADOPTION AND / OR PERIODIC UPDATE DUE DATE**	**Within 10 days of adoption** HAA application submitted.	**90 days after application* (~100 days after adoption)** Commerce issues decision. If approved, plans and regulations go into effect.

*Commerce review period may be extended upon written agreement of the city or county.

Jurisdictions who have already adopted their periodic update housing element and regulations may also apply for voluntary review. Commerce will review, provide comments and approve housing elements and housing regulations covered under RCW 36.70A.835(7).

Benefits of voluntary review

If Commerce approves the housing element and housing development regulations, the agency will defend the decision before the GMHB if the jurisdiction's housing element or regulations are appealed. In addition to appeals protection, voluntary review includes in-depth Commerce technical assistance and support at commission and/or council meetings to encourage plans and regulations that are consistent with the GMA and state law.

Voluntary review process

1. **A Notice of Intent (NOI)** to apply for voluntary review must be sent to Commerce 120 days prior to submitting the final application, or approximately 110 days before adoption. The NOI should be an email to gmshaa@commerce.wa.gov stating an intent for Commerce to review the jurisdiction's housing element and housing development regulations upon adoption. Draft materials are not needed at the time of NOI, but it is recommended if the jurisdiction has any draft materials or working documents that those are submitted at this time. Once Commerce receives notification, Commerce staff will contact the jurisdiction to set up a meeting to discuss the status of the jurisdiction's housing element and supporting housing development regulations and provide technical assistance as needed.
2. **Commerce publishes notice of the NOI in the Washington State Register and on the Commerce website**.
3. **The jurisdiction submits draft housing element and housing development regulations to Commerce, who reviews materials prior to final adoption.** During this time, the jurisdiction also submits the draft housing element and regulations in PlanView for the typical 60-day Notice of Intent to adopt an amendment per RCW 36.70A.106. During review, Commerce and the jurisdiction may consult with other relevant state agencies and housing providers, developers and builders that are located in or have completed work in the jurisdiction. We would prefer that any such consultations occur before local government adoption and in partnership with local government staff. After review, Commerce will draft a report advising the jurisdiction of actions necessary to receive approval.
4. **Commerce will hold a joint public hearing with the local government prior to adoption to accept public testimony on the jurisdiction's HAA voluntary review materials**. Commerce will not hold a separate hearing after local government adoption. Any issues or evidence the public wishes Commerce to consider must be brought to the local government before adoption.
5. **The jurisdiction adopts the local actions**.
6. **HAA application must be submitted to Commerce within 10 days after final action** to amend, repeal or replace the housing element or housing development regulations in accordance with RCW 36.70A.106(2). The jurisdiction must submit notice of adoption in PlanView and include an HAA voluntary review application with the following:

- A cover letter from the legislative authority requesting review of the housing element or housing development regulations;
- A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the housing element or housing development regulations;
- A statement explaining how the adopted housing element or housing development regulations comply with the laws and regulations identified in RCW 36.70A.835(7)(a); and
- A copy of the record developed by the city or county at any public meeting or public hearing at which action was taken on the housing element or housing development regulations.

7. **Commerce will review the materials within 90 days.** Notwithstanding RCW 36.70A.835(1), Commerce may review housing development regulations adopted or amended before the effective date of the bill if amendments to those regulations are necessary to implement the housing element or any laws and regulations required under the bill. Commerce may extend the review period with written agreement of the city or county. The city or county housing element and housing development regulations subject to review under the HAA do not take effect until the department issues a final decision.
8. **Commerce issues a decision determining whether the housing element and housing development regulations comply with the required laws and regulations.** Commerce will issue its decision in the form of a written statement, including findings of fact and conclusions.
9. **Commerce publishes the decision in the Washington State Register and on the Commerce** Housing Accountability Act web page**.**

Selected review

The selected review process provides that Commerce may select up to 10 cities or counties a year for a compliance review of their housing elements and housing development regulations (RCW 36.70A.835(9)). Commerce must prioritize jurisdictions for review based on criteria including, but not limited to, those provided in RCW 36.70A.835(9)(a)(i):

1. The city or county has not planned for and accommodated its portion of the countywide housing need determined by the county;
2. The city's or county's housing production is less than 50 percent of the housing being produced annually within the county or regional council area, as applicable, adjusted by population; and
3. The city's or county's housing production consists of greater than 80 percent single-family homes aimed at primarily households whose income is at or greater than 120 percent of the median household income adjusted for household size for the city or county where the household is located.

After a public process in the fall of 2025, Commerce determined that only criteria 1 listed above will be used to select jurisdictions until 2029. Starting in 2029, criteria 2 and 3 will also be used to select jurisdictions. Commerce's selected review program will initially focus on jurisdictions whose 2024-2027 periodic update deadline has passed. Commerce will post a list of jurisdictions identified for selected review each year on Commerce's Housing Accountability Act web page. More information on the selected review criteria can be found on the HAA Selected Review Criteria and Procedures fact sheet.

Housing Accountability Act selected review timeline

September Jurisdictions notified of being chosen for HAA selected review program the next calendar year.	**January** Commerce begins review of HAA materials.	**Spring-Summer** Commerce sends report with changes needed for HAA approval. **Jurisdiction has 120 days to adopt changes.***	**60 days prior to adoption** Jurisdiction submits 60-day Notice of Intent to adopt in PlanView.	**Joint public hearing.** Joint hearing with the local government.	**LOCAL ADOPTION**	**Within 10 days of adoption,** Jurisdiction submits HAA material in PlanView.	**Commerce issues decision.** If approved, plans and regulations go into effect. If not approved, builder's remedy applies until HAA compliance.

*Commerce may extend 120-day period at their discretion upon written agreement of the city or county.

Selected review process

1. **Commerce contacts local government planning staff by August to notify them of initial selection.** This notification will include the information and data which resulted in the jurisdiction's selection.
2. **Commerce formally notifies jurisdictions in September chosen for HAA selected review in the following year.** This notification will allow jurisdictions to add the HAA review process to their work plan docket for the following year. Commerce will publish this list of selected review jurisdictions on the Commerce Housing Accountability Act web page.
3. **Commerce requests materials from HAA selected review jurisdictions in December.** Jurisdictions will be asked to submit their housing element, housing development regulations and HAA checklists for Commerce review.
4. **Commerce reviews submitted materials against the requirements in RCW 36.70A.835(7)(a).** During review, Commerce and the jurisdiction may consult with other relevant state agencies and housing providers, developers and builders that are located in or have completed work in the jurisdiction. These consultations should occur before local government adoption and in partnership with local government staff.
5. **Commerce submits a report to the jurisdiction including its findings and actions necessary to receive approval.** The jurisdiction then has 120 calendar days to adopt amendments to the housing element and housing-related development regulations to be consistent with the report. Commerce may extend the 120-day correction period with written agreement of the jurisdiction; however, extensions are at the discretion of Commerce.
6. **Commerce works with the jurisdiction to provide technical assistance.** Commerce is available to provide guidance on completing the updates, provide examples of material that is consistent with state requirements, answer questions, propose amendments to correct deficiencies, and attend meetings with the jurisdiction's consultants, planning commission and/or council.
7. **During this 120-day period, the jurisdiction must submit the updated draft housing element and regulations in PlanView** for the typical 60-day Notice of Intent to adopt an amendment per RCW 36.70A.106.
8. **Commerce holds a joint public hearing with the local government prior to adoption** to accept public testimony on the jurisdiction's HAA selected review materials. Commerce will not hold a separate hearing after local government adoption. Any issues or evidence the public wishes Commerce to consider must be brought to the local government before adoption.

9. **The jurisdiction adopts the local actions**. If the jurisdiction does not adopt within 120 days and the jurisdiction does not receive an extension, Commerce will issue a letter of non-compliance. This non-compliance will remain in effect until the jurisdiction submits adopted materials and Commerce issues a letter of compliance.
10. **Jurisdiction submits adopted materials to Commerce within 10 days after final action** to amend, repeal or replace the housing element or housing development regulations in accordance with RCW 36.70A.106. The jurisdiction must submit notice of adoption in PlanView and include, at a minimum:

- A cover letter from the legislative authority requesting review of the housing element or housing development regulations;
- A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the housing element or housing development regulations;
- A statement explaining how the adopted housing element or housing development regulations comply with the laws and regulations identified in RCW 36.70A.835(7)(a); and
- A copy of the record developed by the city or county at any public meeting or public hearing at which action was taken on the housing element or housing development regulations.

11. **Commerce reviews the materials for approval.** Commerce may review housing development regulations adopted or amended before the effective date of the bill if amendments to those regulations are necessary to implement the housing element or any laws and regulations required under the bill. The city or county housing element or housing development regulations subject to review under the HAA do not take effect until the department issues a final decision.
12. **Commerce issues a decision determining whether the housing element and housing development regulations comply with the required laws and regulations.** Commerce will issue its decision in the form of a written statement, including findings of fact and conclusions.
13. **Commerce publishes the decision in the Washington State Register and on the Commerce website.** If Commerce issues a decision of non-compliance, the builder's bypass will be in effect from latest publishing of these materials until Commerce issues a decision of compliance.

During the process of addressing Commerce's actions necessary for compliance, jurisdictions may request an extension to the 120-day correction period per RCW 36.70A.835(9)(b)(i). The extension request will be granted at the discretion of Commerce. To request an extension, jurisdictions must submit the following information to Commerce at gmshaa@commerce.wa.gov.

- The work and progress the jurisdiction has made to address actions needed for approval.
- The proposed length of time for the extension request, why this time is needed, and a timeline for adoption of all required items.
- The unforeseen circumstances that lead to the need for an extension.
- Any additional information the jurisdiction believes supports the request for an extension.

If Commerce issues a decision of non-compliance, Commerce will continue to provide assistance to the jurisdiction to align their housing element and development regulations with state requirements. Once the jurisdiction submits materials that are consistent with the requirements in RCW 36.70A.835(7), Commerce will issue a decision of compliance and the builder's remedy will cease to be in effect.

Builder's remedy

If a jurisdiction reviewed under HAA is found to be noncompliant with the requirements of RCW 36.70A.835(7), the jurisdiction is subject to the "Builder's Remedy" under RCW 36.70A.835(11). When the builder's remedy is in effect, a jurisdiction must permit affordable and moderate-income housing[1] development as by-right uses in urban growth areas where residential uses and mixed uses are allowed. The housing development must meet one of the following measures of affordability for a minimum of 25 years:

- At least 20 percent of the units are affordable housing;
- At least 50 percent of the units are workforce housing;[2] or
- All the units are moderate-income housing.

Limits of local government decisions

When the builder's remedy is in effect, a jurisdiction cannot:

- Deny an affordable or moderate-income housing development, or
- Approve affordable or moderate-income development with conditions or restrictions that have a substantial adverse impact on the viability of the development or the degree of affordability of the development.

However, a jurisdiction may deny or approve a project with conditions or restrictions if at least one of the following conditions is met:

- The denial, condition or restriction is required to comply with specific state or federal law which include, but are not limited to, building codes, stormwater regulations, SEPA requirements, constructions standards, and utility connections;
- The proposed development is located:
  - Outside an urban growth area,
  - In a critical area or critical area buffer,[3]
  - In an area where residential uses are not allowed by the applicable shoreline master program, or
  - In an area where residential or mixed uses are not permitted by either the comprehensive plan or development regulations.

Affordable housing requirements

The developer is required to include legally binding and enforceable restrictions, either through a covenant or deed restriction, to ensure measures of affordability are met for a minimum of 25 years. The jurisdiction is responsible for monitoring the development's compliance with these restrictions either through an audit process or other mechanism.

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[1] Affordable housing has the same meaning as RCW 36.70A.030(5), which is at or below 60% median household income (MHI) for rental, and at or below 80% MHI for owner-occupied. Moderate-income housing has the same meaning as RCW 36.70A.030(30), which is at or below 120% MHI. MHI is also known as the Area Median Income (AMI).

[2] Workforce housing is defined in RCW 36.70A.835(14)(b) as at or below 80% MHI for rental, and at or below 100% MHI for owner-occupied.

[3] Commerce interprets this clause to mean that a jurisdiction cannot deny a housing development simply because it is located in a critical area or critical area buffer when they can apply local regulations, such as a critical areas ordinance (CAO), to mitigate and protect the critical area and buffers. A jurisdiction can, however, condition or restrict the development based on existing regulations to protect and preserve critical areas, such as a CAO.

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)

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.

Types of Uses

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

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
Agriculture (actively farmed)	N	N	N	N	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).

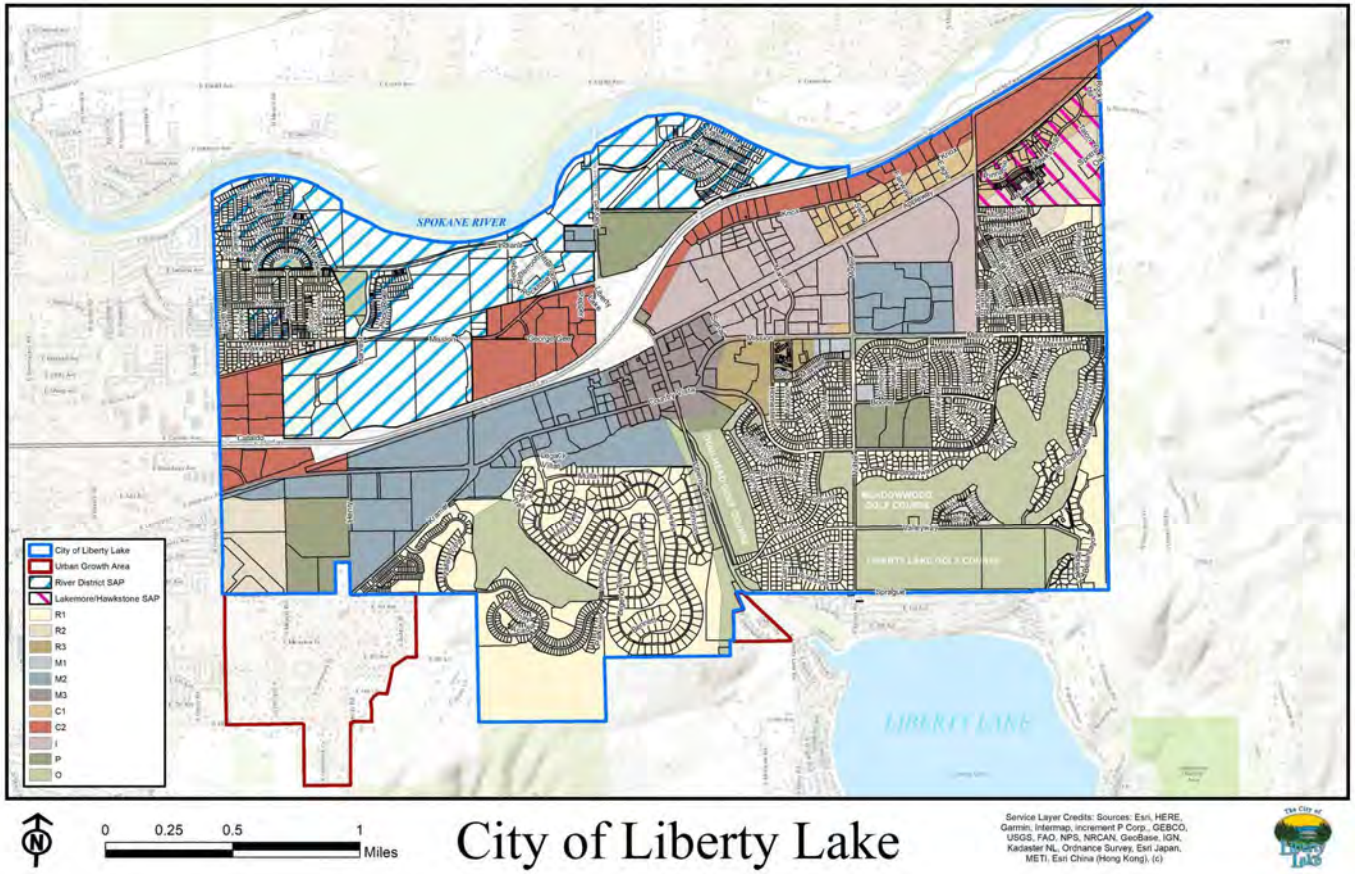
Commented [LT10R2]: TO BE ADDRESSED AT A LATER MEETING

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

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

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.

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.

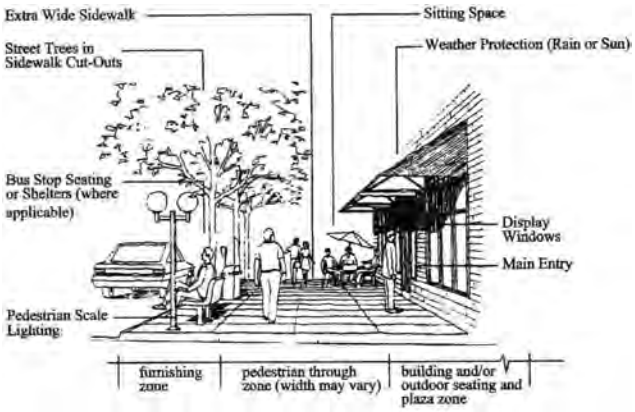
D. The M-1 (Neighborhood Center Mixed-Use) District provides both formal and informal community gathering places.

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 [MB4]: RCW 35A.21.440(2)(a)

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

Commented [MB8]: Kept from Limited Use section

Commented [MB9]: RCW 35A.21.440(2)(f)

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.

Commented [MB14]: RCW 35A.21.440(2)(i)

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Commented [MB15]: RCW 35A.21.440(3)

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.~~

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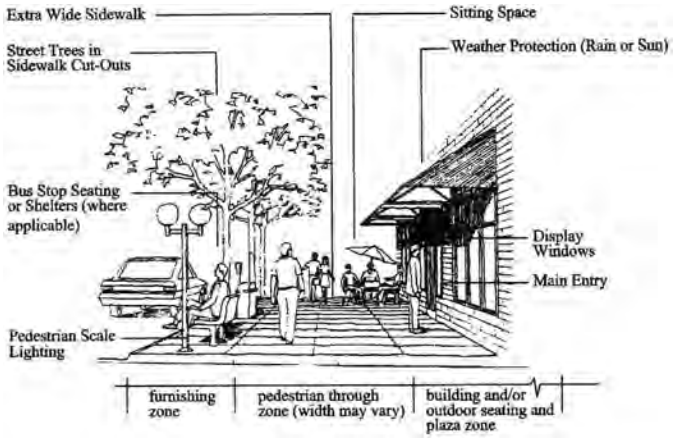
5. Mobile sales / concessions

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

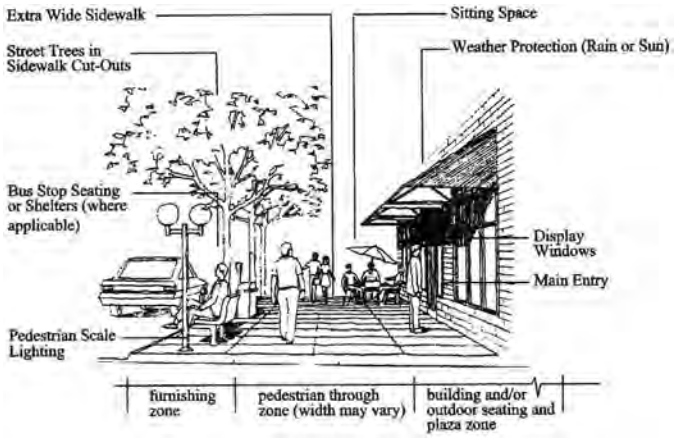
a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.

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)

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)

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.

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.

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.

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

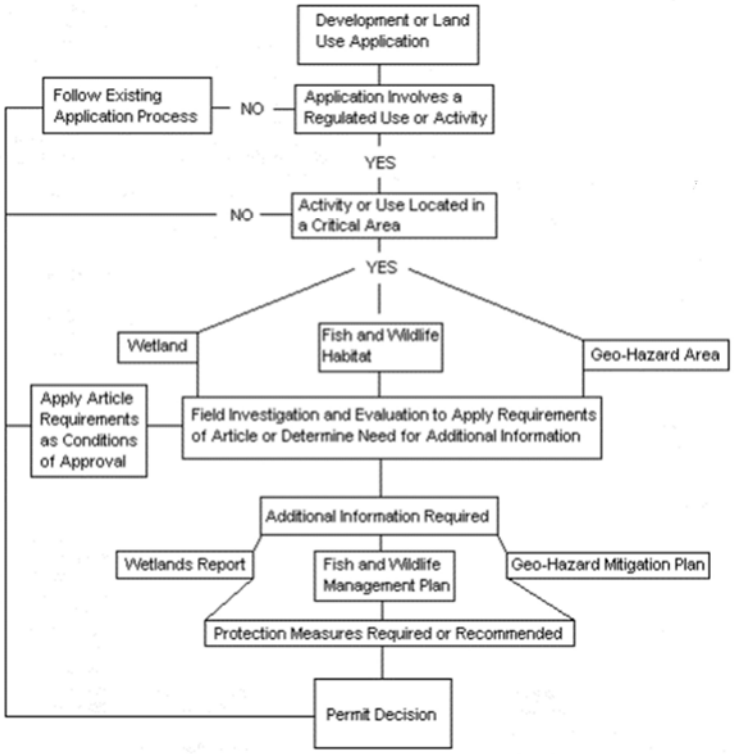
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E. Coordination with Other Permit Processes.

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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~~o. 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

CHAPTER 1
INTRODUCTION

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Article 10-1C-1 — Definitions

A. General.
B. Definitions.

Accessory dwelling unit (ADU) - ~~Separate dwelling unit with separate cooking facilities that are substantially contained within the structure of a single family residence (attached) or an outbuilding which is an accessory structure to such residence (detached). Also includes individual apartments / dwelling units within mixed use buildings, generally for occupancy by business owners. Does not include multi-family dwellings.~~ A dwelling unit located on the same lot as a principal dwelling unit that is accessory to the principal dwelling unit and provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be attached to or located within the principal dwelling unit, or detached from the principal dwelling unit.

"Attached accessory dwelling unit" means: an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Detached accessory dwelling unit" means: an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

Active channel - The portion of a stream, river, or other watercourse that contains flowing water, either continuously or intermittently, and is shaped and maintained by regular flows, sediment transport, and channel-forming processes. For regulatory purposes, the active channel should be identified based on field indicators such as bed and bank features, scour, sediment deposits, and the ordinary high-water mark where applicable.

Active floodplain - The portion of a floodplain that is regularly inundated or otherwise influenced by channel-forming flows and that supports flood storage, sediment deposition, groundwater recharge, habitat connectivity, or other floodplain and riparian ecosystem functions.

Adaptive reuse / Compartmentalization – The structural, internal, or functional modification of an existing building or structure for a use other than that for which it was originally designed, constructed, or occupied.

Best available science (BAS) - Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined in WAC 365-195-900 through 365-195-925.

Clear and objective design and development standards - 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.

Co-living housing - ~~a~~ A residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building, as defined in RCW 36.70A.535. ~~Also~~ Also commonly referred to as congregate living facilities, single room occupancy, rooming house, boarding house, ~~and~~ lodging house, and residential suites.

Compensatory mitigation - The restoration, creation, enhancement, or in exceptional circumstances, the preservation of wetlands or other aquatic resources for the purpose of compensating for unavoidable impacts to wetlands or other aquatic resources which remain after

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all appropriate and practicable avoidance and minimization have been achieved.

Condominium - Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter 64.34 RCW.

Critical aquifer recharge areas - Areas ~~where there is an~~ with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water ~~that~~ is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge (WAC 365-190-030).

Critical areas - Include the following areas and ecosystems: (a) Wetlands; (b) ~~a~~Areas with a critical recharging effect on aquifers used for potable water, referred to as critical aquifer recharge areas; (c) ~~f~~Fish and wildlife habitat conservation areas; (d) ~~f~~Frequently flooded areas; and (e) ~~g~~Geologically hazardous areas (WAC 365-190-030). ~~(Defined in 36.70A.030(5) as now or hereafter amended.)~~

Dwelling, four-family (fourplex) - A single structure, located on one legal lot, containing four dwelling units designed exclusively for occupancy by four single households living independently of each other.

Dwelling, three-family (triplex) - A single structure, located on one legal lot, containing three dwelling units designed exclusively for occupancy by three single households living independently of each other.

Dwelling, multi-family - ~~A building designed for occupancy by 3 or more families living independently of each other within 3 or more separate dwelling units.~~ "A building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multi-family units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multi-family housing.

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

Dwelling, single-family - A ~~building designed for long-term habitation exclusively by 1 family, having complete living facilities, and constituting 1 dwelling unit~~ structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit. This term shall include manufactured homes and mobile homes.

Dwelling, single family attached (townhome) - Single-family attached ~~housing~~ dwelling units that extend from foundation to roof (townhome units on individual lots) ~~designed for long-term habitation exclusively by 1 family per unit / per lot, having complete living facilities, and constituting 1 dwelling unit.~~in a building of three or more units and that have a yard or public way on not less than two sides.

Dwelling, two-family (duplex) - A single structure, located on one legal lot, containing ~~2~~ two dwelling units attached either side by side or one above the other, designed exclusively for occupancy by ~~2 families~~ two single households living independently of each other~~, and neither unit is considered an accessory dwelling unit~~. A single-family dwelling containing an approved ADU is not a duplex.~~To be classified as a duplex, the dwelling units must be connected by a~~

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~~common wall or by a covered carport/breezeway which does not exceed a distance of 20 feet between the two dwelling units.~~

Dwelling unit - ~~One or more rooms in a dwelling, which is designed, occupied, or intended for occupancy as separate living quarters, with an individual entrance, cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of 1 family maintaining a household~~ A residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Ecological improvement - An action that measurably improves ecological functions, services, or values, including but not limited to restoring native vegetation, improving habitat structure, reconnecting floodplain or riparian areas, improving water quality, reducing erosion, removing invasive species, or enhancing fish and wildlife habitat.

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Ecosystem functions, services, and values - The physical, chemical, geological, hydrological, and biological processes performed by ecosystems; the benefits those processes provide to people, fish, wildlife, and the environment; and the ecological, cultural, aesthetic, recreational, and economic values associated with those systems.

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Emergency amendment - A Comprehensive Plan amendment that is considered outside the City's regular annual amendment cycle due to an urgent circumstance requiring timely legislative action. Public notice and an opportunity for public comment must precede adoption of an emergency amendment, consistent with WAC 365-196-640(4). Moratoria and interim development regulations are not Comprehensive Plan amendments and are subject to separate procedures.

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

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

Fish and wildlife habitat conservation areas - ~~Are defined in WAC-365-190-080 (5) as "fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region."~~Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company (WAC 365-190-030).

Fish and wildlife habitat conservation areas that must be considered for classification and designation include:

1. Areas ~~with which primarily~~ where endangered, threatened, and sensitive species have a primary association; ~~and~~

2. Habitats and species of local importance, as determined locally;

3. Commercial and recreational shellfish areas;

~~2.~~4. Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;

~~3.~~5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

~~4.~~6. Waters of the state;

~~5.~~7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; ~~or~~and

~~6.~~ State natural area preserves, ~~and~~ natural resource~~s~~ conservation areas~~;~~, and state wildlife areas (WAC 365-190-130).

~~7. Wildlife corridors and landscape linkages;~~

~~8. Candidate and monitored species;~~

~~9.~~8. ~~Priority habitats and areas in which priority species have a primary association as identified by the Department of Fish and Wildlife (WDFW) in the priority habitat and species lists; priority habitats as identified by WDFW are areas with one or more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife seasonal ranges, wildlife travel corridors, limited availability and/or highly vulnerable habitat.~~

Frequently flooded areas - Lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface (WAC 365-190-030).

Geologically hazardous areas - ~~means a~~Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to ~~the~~ siting ~~of~~ commercial, residential, or industrial development consistent with public health or safety concerns (WAC 365-190-030). ~~(Defined in 36.70A.030(9) as now or hereafter amended.)~~

Habitat Management Plan (HMP) - A report prepared by a qualified biologist that evaluates the potential impacts of a proposed use or activity on priority habitats, priority species, or habitats and species of local importance, and identifies measures to avoid, minimize, or mitigate adverse impacts to fish, wildlife, and their habitats. A Habitat Management Plan shall be based on applicable Washington Department of Fish and Wildlife priority habitat and species information, management recommendations, and consultation, as required by this Code. See also, Article 10-6B - Critical areas.

Hazard tree - A tree that is dead, diseased, damaged, unstable, or otherwise poses a high probability of failure and a risk of injury to persons or damage to structures, utilities, or other targets, as determined by a qualified professional or authorized City official.

Highways of statewide significance – Highways designated by Transportation Commission Resolution No. 660, adopted January 21, 2004, as amended by the state.

Hydrozone – A defined landscape area containing plants with similar water requirements that is irrigated by the same irrigation valve or schedule to promote efficient water use.

Impact fees – A payment of money imposed upon development as a condition of development

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approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

Life safety standards – The applicable requirements of the Washington State Building Code adopted pursuant to chapter 19.27 RCW, including applicable building, residential, existing building, fire, mechanical, electrical, plumbing, and other codes incorporated into the State Building Code, as applicable to the development, use, occupancy, alteration, or construction of a building or structure.

Lot, parent – A residential lot that is subdivided into unit lots through the unit lot subdivision process.

Lot, unit – A subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

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Major transit stop – means:

1. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, or otherwise amended, except for any stop that solely serves express bus service or serves express bus service and other bus services not otherwise meeting the definition of major transit stop;
2. Commuter rail stops;
3. Stops on rail or fixed guideway systems; or
4. Stops on bus rapid transit routes, including those stops that are under construction.

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

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

Manufactured home "designated" – A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

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Manufactured home "new" – Any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2), or otherwise amended by state law.

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Manufactured office building – A factory-built structure built according to applicable state or federal construction standards that is designed and utilized for nonresidential office use. A manufactured office building:

1. Includes plumbing, heating, air conditioning, and electrical systems.
2. Is built on a permanent chassis.
3. Can be transported in one or more sections.
4. Is designed and constructed to applicable commercial building codes and structural load requirements.
5. Meets Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.
6. Shall be permanently or semi-permanently installed on a site in accordance with applicable City development, foundation, utility, site-design, and permitting requirements.
7. Is not designed or used as a dwelling and is not considered a manufactured home for the purposes of this Code.

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

No net loss - Maintaining the aggregate ecological functions and values of a critical area, shoreline, riparian ecosystem, or other protected resource so that permitted development and mitigation, taken together, do not result in an overall loss of ecological function.

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Ordinary high- water mark (OHWM) - That mark on all lakes, streams, and tidal water ~~lakes or water bodies~~ that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ~~normal~~ all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water (RCW 90.58.030).

Public tree – Any woody perennial plant, typically have a single main stem or trunk, located entirely ~~or partially~~ within property owned, leased, dedicated to, or under the legal jurisdiction and control of the City of Liberty Lake. This includes, but is not limited to, trees situated within the public right of way and municipal property, such as parks.

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Reasonable use exception - Limited relief from critical areas regulations granted when strict application of the regulations would deny all reasonable economic use of a property, provided the relief is the minimum necessary to allow reasonable use and avoids, minimizes, and mitigates impacts to critical areas to the greatest extent feasible.

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Religious organization - The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

Riparian ecosystem - The transitional ecosystem adjacent to a river, stream, lake, pond, wetland, or other water body, including the active channel, floodplain, banks, soils, groundwater and surface-water interactions, vegetation, habitat features, and ecological processes that influence aquatic and terrestrial habitat. WAC 365-190-130 specifically directs counties and cities to consider protecting riparian ecosystems, including salmonid habitat, when classifying and designating fish and wildlife habitat conservation areas.

Riparian management zone (RMZ) - An area adjacent to a stream, river, lake, or other typed water that is managed to protect and restore riparian functions, support general ecosystem health, and maintain desired future conditions over time. Where applied to forest land in Eastern Washington, RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits established in WAC 222-30-022, except as provided in WAC 222-30-023.

Shelter - Temporary lodging and supportive services, offered by community-based domestic violence programs to victims of domestic violence and their children.

Site potential tree height ($SPTH_{200}$) - The estimated height of dominant trees at 200 years of age for a given site, based on site growing conditions, tree species, site index, and applicable growth curves or tables. $SPTH_{200}$ may be determined using the Washington Department of Fish and Wildlife's Site Potential Tree Height Mapping Tool or, where mapping data are unavailable or site-level verification is warranted, through field-based measurements of appropriate site trees and calculation methods accepted by the City.

Specialty housing - Housing intended to serve individuals who may require age-related, health-related, personal care, supportive service, or specialized residential arrangements. Specialty housing includes, but is not limited to, independent senior housing, assisted living facilities, nursing homes, convalescent homes, and Alzheimer's or memory care facilities.

STEP housing - A collective term for four types of accommodations used to prevent or address homelessness: emergency shelter, transitional housing, emergency housing, and permanent supportive housing. Washington state law requires fully GMA-planning cities and counties to plan for and accommodate STEP housing facilities within urban growth areas. These are distinct land uses from "specialty housing," such as senior housing.

"Emergency shelter" means: a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

"Transitional housing" means: a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

"Emergency housing" means: temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families for up to sixty days. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Permanent supportive housing" means: subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental

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history, criminal history, and personal behaviors. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW, Residential Landlord-Tenant Act.

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

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

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

Unit lot subdivision (ULS) – 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.

Wetland(s) - Areas that are inundated or saturated by surface water or ground ~~-~~water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, ~~including, but not limited to, irrigation and drainage ditches,~~ grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, ~~W~~wetlands may include those artificial wetlands intentionally created from non-wetland areas ~~created~~ to mitigate conversion of wetlands, if permitted by the county or city (WAC 365-190-030). ~~(Defined in RCW 36.70A.030(20) as now or hereafter amended.)~~

Housing			
Accessory caretaker's residence	N	N	L
Accessory dwelling unit (ADU), attached or detached	L	L	N
Adult family home	P	P	P
Co-living housing	L	L	L
Dwelling, multi-family (three units and more)	P	L	P
Dwelling, single family	P	P	N
Dwelling, single family attached townhome	P	P	N
Dwelling, two-family duplex	P	P	N
Emergency Housing & shelters	N	~~L~~P	~~L~~P
Manufactured homes (on individual lots)	~~N~~L	N	N
Manufactured home park	N	N	N
Transitional & permanent supportive housing~~, 8 beds or less~~	~~L~~P	~~L~~P	~~L~~P
~~Transitional & supportive housing, more than 8 beds~~	~~L~~	~~L~~	~~L~~
Zero lot line (single family courtyard home)	P	P	N

Article 10-2C — RD-R (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-3 Limited Uses (L)

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

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

C. Requirements for Specific RD-R Limited Uses.

13. Accessory Dwelling Unit (ADU)

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

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

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

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

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

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

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

h.

14. 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.

10-2C-6 Development Setbacks

A. Middle Housing Zero-Lot Line Subdivisions

1. Zero-lot line development associated with a middle housing short subdivision permitted pursuant to Section 10-4D-14 is allowed and shall comply with the applicable standards of that section.

B. Affordable Housing Density Bonus on Religious-Owned Land. A qualifying affordable housing development consisting of single-family or multifamily residential dwelling units located on real property owned or controlled by a religious organization shall be permitted an increased residential density of 20 percent above the maximum density otherwise permitted by the underlying zoning district, with any resulting fractional dwelling unit rounded up to the next whole dwelling unit. The density bonus shall be administratively approved, provided that:

1. At least 50 percent of the dwelling units are set aside for or occupied exclusively by low-income households, or at least 20 percent of the dwelling units are set aside for or occupied exclusively by very-low-income households;
2. Monthly housing costs for qualifying low-income or very-low-income households, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;
3. The affordability requirements and other qualifying conditions are secured by a lease, covenant, or other binding obligation for a period of at least 50 years, even if the religious organization no longer owns the property;
4. The development complies with the nondiscrimination requirements of RCW 36.70A.545; and
5. The development is located within the urban growth area.

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

Sections:

10-2E-1 **Purpose**
10-2E-2 **Permitted Uses (P)**
10-2E-3 **Limited Uses (L)**
10-2E-4 **Conditional Uses (CU)**
10-2E-5 **Accessory Structures**
10-2E-6 **Development Setbacks**
10-2E-7 **Lot Area, Dimensions, Coverage, & Residential Density**
10-2E-8 **Building Height**
10-2E-9 **Building Orientation**
10-2E-10 **Architectural Guidelines and Special Standards**
10-2E-11 **Pedestrian and Transit Amenities**
10-2E-12 **Design Standards**
10-2E-13 **Adaptability for Reuse / Compartmentalization / Redevelopment**

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10-2E-3 Limited Uses (L)

A. Limited Uses. The land uses listed in the River District Zoning Matrix under the RD-M (Neighborhood Center Mixed-Use) District with the letter "L" are allowed in the RD-M zone if they comply with the development standards of the RD-M (Neighborhood Center Mixed-Use) District, and other applicable portions of this Code, including meeting the requirements for the necessary permits or approvals. These uses include accessory uses, temporary uses, home occupations, special uses, etc. Only land uses which are specifically listed in the River District Zoning Matrix, and land uses which are approved as "similar" to those in the River District Zoning Matrix, may be permitted as Limited Uses.

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

C. Requirements for Specific RD-M Limited Uses. The following standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas, as applicable.

10. Accessory ~~dwelling unit, attached~~Dwelling Unit (ADU)

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

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

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

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

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

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

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

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

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

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

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

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

~~h. The principal unit or ADU shall be owner-occupied (this provision is not applicable for commercial buildings). Home occupations shall be allowed within the ADU.~~

~~**11. Accessory dwelling unit, detached**~~

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

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

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

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

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

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

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

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

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~~i. The principal unit or ADU shall be owner-occupied.~~

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

~~12.~~11. **Dwelling, multi-family** (three or more units)

a. Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of non-residential uses within the permit application. Mixed use buildings, specialty housing, and single-family attached dwellings (townhomes) are exempt from this provision.

~~13. Emergency Housing & Shelters~~

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

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

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

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

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

~~14. 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.~~

~~15. Transitional & Supportive Housing, More than 8 Beds~~

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

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

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

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

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

A. Residential Density Standard. There is a minimum residential density standard of 6 units per net acre when housing / residential is included in a project. There is no maximum net density.

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

B. Maximum Lot Coverage, Lot Area, & Dimensions. There is no maximum lot coverage, or minimum

or maximum lot area, width, or depth.

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

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

E. Affordable Housing Density Bonus on Religious-Owned Land. A qualifying affordable housing development consisting of single-family or multifamily residential dwelling units located on real property owned or controlled by a religious organization shall be permitted an increased residential density of 20 percent above the maximum density otherwise permitted by the underlying zoning district, with any resulting fractional dwelling unit rounded up to the next whole dwelling unit. The density bonus shall be administratively approved, provided that:

1. At least 50 percent of the dwelling units are set aside for or occupied exclusively by low-income households, or at least 20 percent of the dwelling units are set aside for or occupied exclusively by very-low-income households;
2. Monthly housing costs for qualifying low-income or very-low-income households, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;
3. The affordability requirements and other qualifying conditions are secured by a lease, covenant, or other binding obligation for a period of at least 50 years, even if the religious organization no longer owns the property;
4. The development complies with the nondiscrimination requirements of RCW 36.70A.545; and
5. The development is located within the urban growth area.

~~D.~~

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

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

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

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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.

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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. Existing parking may be required to be retained when it is necessary to satisfy parking requirements for existing residential units under Chapter 3, Article 10-3D, or for nonresidential uses that will remain after the new dwelling units or living units are added. ~~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;

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

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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 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.

~~A.~~

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Article 10-2I — RD-C (Freeway Commercial) District

Sections:

10-2I-1 **Purpose**
10-2I-2 **Permitted Uses (P)**
10-2I-3 **Limited Uses (L)**
10-2I-4 **Conditional Uses (CU)**
10-2I-5 **Accessory Structures**
10-2I-6 **Development Setbacks**
10-2I-7 **Lot Area, Dimensions, and Coverage**
10-2I-8 **Building Height**
10-2I-9 **Building Orientation**
10-2I-10 **Architectural Guidelines and Special Standards**
10-2I-11 **Design Standards**
10-2H-12 **Adaptability for Reuse / Compartmentalization / Redevelopment**

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10-2I-3 Limited Uses (L)

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

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

C. Requirements for Specific RD-C Limited Uses.

~~1. Emergency Housing & Shelters~~

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

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

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

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

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

2. 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.

3. Transitional & Supportive Housing, More than 8 Beds

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

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

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

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

10-2F-12 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. Existing parking may be required to be retained when it is necessary to satisfy parking requirements for existing residential units under Chapter 3, Article 10-3D, or for nonresidential uses that will remain after the new dwelling units or living units are added. 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.

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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;

      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 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.

~~A.~~

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CHAPTER 3

RIVER DISTRICT DESIGN STANDARDS

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Article 10-3B — Access and Circulation

10-3B-2 Access and Circulation

O. Construction. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce stormwater runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Engineer. In no case shall graveled surfaces be used for new driveways, parking areas, aisles, and turnarounds, except for temporary turnarounds or access.

Article 10-3D — Vehicle and Bicycle Parking

10-3D-3 Vehicle Parking Standards

A. Vehicle Parking Minimum Standards. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in the public or private road right of way, garages, carports, parking lots, and/or driveways. ~~if vehicles are not parked~~ Parking spaces located ~~in~~within a vehicle travel lane (including emergency or fire access lanes), pathway, or landscape area shall not count toward minimum parking requirements. Parking spaces consisting of grass block pavers shall count toward minimum parking requirements. Tandem parking spaces shall count at a rate of one parking space for every 20 linear feet, subject to any necessary provisions for turning radius. Up to six parking spaces within an existing designated parking area with legally nonconforming gravel may count toward minimum parking requirements. Parking facilities provided in the RD-M Zone and for Neighborhood Retail Clusters shall be located to the rear and/or side of buildings to enhance streetscapes and promote pedestrian access. Required parking spaces shall be calculated for primary and accessory uses.

Residential Uses	Required Parking Spaces
Accessory caretaker's residence	None
Accessory dwelling units (ADU's)	None
Single family detached housing / zero lot line / manufactured homes on individual lots	2 spaces per dwelling unit
Manufactured home parks	2 spaces per unit
Two and three~~-~~family and townhome 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. • 1.5 spaces per dwelling unit or lots 6,000 square feet or larger
Multi-family housing	
Studio or 1-bedroom units less than 500 sq. ft.	1 space per dwelling unit
1-bedroom units 500 sq. ft. or larger	1.0 spaces per dwelling unit

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2-bedroom units	1.25 spaces per dwelling unit
3-bedroom or greater units	1.5 spaces per dwelling unit
Rooming and boarding houses, dormitories	One space for every 2 beds
Specialty housing	.5 space per bed, plus 1 space per employee on the largest shift
STEP housing (emergency housing and shelter; transitional housing; permanent supportive housing)	Parking requirements shall not exceed those applicable to comparable residential or lodging uses listed in this section.

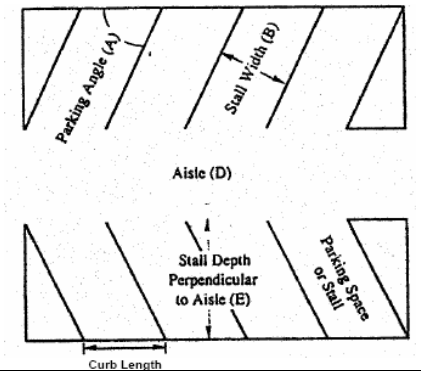
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Commercial Uses	Required Parking Spaces
Auto, boat, recreational vehicle, trailer sales, etc., retail nurseries and similar bulk retail uses (additional parking for auto oriented sales display areas may be provided in accordance with the landscaping standards)	1 space per 1,000 gross square feet of the first 10,000 square feet of gross land area; plus 1 space per 5,000 gross square feet for the excess over 10,000 square feet of gross land area; and 1 space per two employees.
Automobile, etc. repair and rental	1 space per 500 gross square feet (3 spaces minimum required) Additional parking shall be provided for vehicles under repair or rental vehicles, and the additional parking shall be enclosed within a building or with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
Business, general retail, personal services, animal health services	1 space per 350 gross square feet
Cultural centers, museums, libraries, and athletic clubs, gyms, etc.	1 space per 350 gross square feet
Hotels and motels	.75 space per guest room, plus 1 space per employee on the largest shift, plus 1 space per 200 gross square feet of meeting or conference rooms (restaurants, etc. require additional spaces as set forth herein)
Offices	1 space per 450 gross square feet for general or 1 space per 350 gross square feet for medical and dental offices
Restaurants, bars, ice cream parlors and similar uses	1 space per four seats or 1 space per 200 gross square feet, whichever is less
Theaters, auditoriums, stadiums, gymnasiums, community centers, and similar uses	1 space per four fixed seats or 1 space per 75 gross square feet, whichever is greater

Industrial, Manufacturing, and Storage Uses	Required Parking Spaces
Industrial and manufacturing uses, except warehousing	1 space per two employees on the largest shift or 1 space per 700 gross square feet, whichever is less, plus 1 space per company vehicle
Self-service storage facility	1 space per employee, plus 1 space per 250 units (5 spaces minimum required)

Warehousing	1 space per 1,000 gross square feet or 1 space per two employees on the largest shift, whichever is greater, plus 1 space per company vehicle.

G. Parking Stall Standard Dimensions and Compact Car Parking. All parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping~~, and provide dimensions in accordance with the following table.~~ Up to 15% of the required parking may be designed and labeled as compact. Compact stalls are 1' narrower and 2' shorter than standard stalls (i.e. a 9' x 18' standard stall would be an 8' x 16' compact stall). Compact stalls shall include landscape islands as required by Article 10-3C of this Code, except they can be 9' x 16'. Disabled person parking shall be provided in conformance with ADA requirements and the adopted Building Code.



Nonresidential Parking Dimensional Table

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)	Compact Stall Dimensions (B x E)
Parallel	8 ft.	22 ft.	12 ft.	24 ft.	8 ft.	8 x 20 ft.
30 Degree	8 ft.	18 ft.	12 ft.	24 ft.	17 ft.	8 x 15 ft.
45 Degree	8 ft.	12' 6"	14 ft.	24 ft.	19 ft.	8 x 17 ft.
60 Degree	8 ft.	10' 6"	18 ft.	24 ft.	20 ft.	8 x 18 ft.
90 Degree	8 ft.	9 ft.	24 ft.	24 ft.	20 ft.	8 x 16 ft.

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H.

a. Residential Parking. Required parking spaces for residential development shall not be required to exceed eight feet in width by 20 feet in length, except for required accessible parking spaces. Angled residential parking spaces shall be sized comparably to an eight-foot by 20-foot, 90-degree parking stall.

b. Nonresidential Parking. Required parking spaces for nonresidential development shall be dimensioned in accordance with the following table. Up to 15% of ~~the~~ required nonresidential parking may be designed and labeled as compact. Compact stalls shall be dimensioned as detailed in the table below. Note that all dimensions are measured from the middle of the striping. ~~Disabled person parking shall be provided in conformance with Paragraph "G".~~

~~B.~~c. A ccessible Parking. Required accessible parking shall be provided in conformance with Paragraph "G."

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10-3G-2 Transportation Improvement

1.5. N
otwithstanding the requirements of this section, public street improvements shall not be required as a condition of permitting an accessory dwelling unit (ADU).

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S. Street Light Standards. Streetlights shall be installed for all new development by the developer / applicant to encourage a pedestrian friendly environment and enhance community safety and business exposure. Final lighting fixture selection and location shall be made by the City based on developer / applicant proposals. The developer / applicant should coordinate with Avista Utilities for style / fixture selection. All street light electrical installations including wiring, conduit, and power connections shall be located underground. A plan shall be provided showing the proposed fixture types and locations along with light fixture specification sheets and each fixture shall be equipped with a photocell and shall utilize high-efficiency lighting technology, such as LEDs. Current AASHTO Roadway Lighting Design Guidelines, or equivalent guidelines shall be utilized.

10-3G-4 Sanitary Sewer and Water Service Improvements

A.E. C
o-Living Housing Sewer Connection Fees. For purposes of calculating any City-imposed sewer connection fee, a sleeping unit in co-living housing shall be treated as no more than one-half of a dwelling unit, unless the City makes a finding, based on facts, that the connection fee should exceed the one-half dwelling unit threshold, consistent with RCW 36.70A.535.

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