CHAPTER 1

INTRODUCTION

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Article 10-1C-1 — Definitions

A. General.
B. Definitions.

Accessory dwelling unit (ADU) - 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 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 commonly referred to as congregate living facilities, single room occupancy, rooming house, boarding house, 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 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 with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water 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) Areas with a critical recharging effect on aquifers used for potable water, referred to as critical aquifer recharge areas; (c) Fish and wildlife habitat conservation areas; (d) Frequently flooded areas; and (e) Geologically hazardous areas (WAC 365-190-030).

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 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, single-family - A 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 dwelling units that extend from foundation to roof (townhome units on individual lots) 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 two dwelling units attached either side by side or one above the other, designed exclusively for occupancy by two single households living independently of each other. A single-family dwelling containing an approved ADU is not a duplex.

Dwelling unit - 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.

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.

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.

Fish and wildlife habitat conservation areas - 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 where endangered, threatened, and sensitive species have a primary association;
2. Habitats and species of local importance, as determined locally;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the state;
7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves, natural resource conservation areas, and state wildlife areas (WAC 365-190-130).

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 - Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns (WAC 365-190-030).

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 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.

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.

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, 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.

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.

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.

Mobile home - A factory-built dwelling built prior to June 15, 1976, to standards other than the 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 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.

Ordinary high water mark (OHWM) - That mark on all lakes, streams, and tidal water 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 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.

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.

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 **s**helter, **t**ransitional housing, **e**mergency housing, and **p**ermanent 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 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.

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 groundwater 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, 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, wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands, if permitted by the county or city (WAC 365-190-030).

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-3 Limited Uses (L)

A. Limited Uses.

B. Determination of Similar Land Use.

C. Requirements for Specific R-1 Limited Uses.

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.

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~~

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~~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 appearance are similar to the exterior siding and roof material used on nearby residences.~~

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

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

~~11. Transitional & Supportive Housing, 8 beds or less~~

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

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

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

9. Specialty housing, 8 beds or less

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

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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.

10-2B-6 Development Setbacks

A. Side Yard Setbacks

1. Minimum Setback

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

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

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

~~c.~~ 2. Middle Housing Zero-Lot Line Subdivisions. 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.

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.

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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-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.

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 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), 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

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.~~

12. Specialty 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.

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

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

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

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUDs), except for zero-lot line short subdivisions for middle housing allowed pursuant to Section 10-4D-14. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

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

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

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

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

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10-2C-4 Conditional Uses (CU)

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

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

C. Requirements for Specific R-2 Conditional Uses.

5. Manufactured office buildings

a. Manufactured office buildings shall only be permitted on lots that front an arterial or collector street.

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

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

d. The maximum commercial footprint area shall not exceed 3000 square feet total per site.

An individual leasable office space shall not exceed 1500 square feet of footprint area.

e. Manufactured office buildings shall be open to the public only during the following hours: 8:00 a.m. to 7:00 p.m.

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

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

h. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

i. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

j. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

k. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

~~a.~~l. The manufactured office building must be able to be transported in one or more sections.

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

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.

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-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.

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.~~

~~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)**~~

   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.

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~~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 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.

13. Manufactured office buildings

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

~~a.~~f. The manufactured office building must be able to be transported in one or more sections.

~~**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. 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~~

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

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

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

This type of housing is only permitted within approved Zero Lot Line Planned Unit Developments (PUDs), except for zero-lot line short subdivisions for middle housing allowed pursuant to Section 10-4D-14. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

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

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

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

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

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

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.

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-3 Limited Uses (L)

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

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

C. Requirements for Specific M-1 Limited Uses.

14. 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.

~~a.~~ An ADU originally constructed as an ADU may be separately sold or conveyed as a condominium unit.~~One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal unit or mixed-use building.~~

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

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

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

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

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

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

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

~~15.~~ **~~Accessory dwelling unit, detached~~**

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

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

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

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

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

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

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

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

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

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

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

~~16.~~15. 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.

~~17.~~16. Dwelling, multi-family (three or more units)

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

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

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

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

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

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

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

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

~~18.~~17. **Dwelling, single family attached townhomes**

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

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

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

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

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

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

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

~~**19. 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.~~

~~**20. 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.~~

~~**21. 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.~~

~~22.~~18. Zero-lot line (single family courtyard home)

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

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

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

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

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

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

19. Manufactured office building

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

~~a.~~f. The manufactured office building must be able to be transported in one or more sections.

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

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.

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. 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

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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 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.

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

Sections:

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

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10-2F-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.

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.~~

20. 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.

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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 or mixed-use building.~~

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

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

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

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

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

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

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

~~21.~~ ~~Accessory dwelling unit, detached~~

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

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

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

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

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

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

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

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

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

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

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

22. 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.

23. Dwelling, multi-family (three or more units)

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Multi-family dwellings may only be permitted as a part of a mixed-use development (residential with commercial or other use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed, in accordance with the following standards: a. Projects shall provide an equivalent square footage of non-residential uses within the permit application packet.

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

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

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

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

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

f. Private open space ground floor units. All ground-floor housing units shall have front or rear patios or decks measuring at least 35 square feet. Ground-floor housing means the housing

unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

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

24. Dwelling, single family attached townhomes

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

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

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

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

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

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

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

~~**24. Emergency Housing & Shelters**~~

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

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

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

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

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

~~**25. Transitional & Supportive Housing, 8 Beds or Less**~~

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

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

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

~~**26. Transitional & Supportive Housing, More than 8 Beds**~~

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

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

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

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

~~27.~~24. Zero lot line (single family courtyard homes)

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

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

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

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

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

25. Manufactured office building

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

f. The manufactured office building must be able to be transported in one or more sections.

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~~28.~~26. Light manufacturing and assembly

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. On parcels abutting an arterial or collector street, the facility shall only be permitted if design techniques are used to minimize perceived building mass and achieve architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the architectural guidelines and special standards in Section 10-2F-10 below and will normally include terracing of upper floors and modulation of front facades.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

~~29.~~27. Light manufacturing and assembly w/ retail sales showroom

a. The light manufacturing & assembly use shall be completely enclosed within a building.

b. Retail sales showroom shall comprise at least 5% of the gross floor area of the light manufacturing and assembly portion of the building, in return, a 5% reduction in the required parking shall be granted.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the light manufacturing & assembly building.

~~30.~~28. Woodworking / cabinet manufacturing w/ retail sales showroom

a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

b. Retail sales showroom shall comprise at least 5% of the gross floor area of the manufacturing portion of the building, in return, a 5% reduction in the required parking shall be granted.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the woodworking / cabinet manufacturing building.

~~31.~~29. Wholesaling / distribution facility

a. The Wholesaling / distribution facility use shall be completely enclosed within a building.

b. Wholesaling / distribution facilities shall be spaced a distance of 150 linear feet apart along the same street frontage and shall not be located on parcels that abut Country Vista Blvd., Mission Ave., or Harvard.

c. Sidewalks or pathways shall be provided to connect pedestrians from the frontage street to the Wholesaling / distribution facility building.

~~32.~~30. Public utility local distribution facility

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

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

installing said landscaping can be demonstrated by the utility.

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

~~33.~~31. **Small Wireless Facilities**

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

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

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

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

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

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

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.

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. 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.

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.

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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.

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-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.

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.~~

19. 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.

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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 or mixed-use building.~~

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

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

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

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

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

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

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

~~20. Accessory dwelling unit, detached~~

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

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

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

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

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

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

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

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

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

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

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

~~21.~~20. 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.

~~22.~~21. Dwelling, multi-family (three or more units)

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Multi-family dwellings may only be permitted as a part of a mixed-use development (residential with commercial or other use), in accordance with the following standards:

a. All buildings fronting streets shall contain areas for commercial and/or office uses on the ground floor and may contain covered parking. All residential uses shall be above the ground floor.

   i. The building and site layout shall be designed to maximize the amount of commercial/office uses on the ground floor, as determined by the City.

   ii. This vertical mixed-use requirement may not apply when the City determines that topography precludes access to the street.

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

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

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

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

designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

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

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

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

~~23.~~ 22. **Dwelling, single family attached townhomes**

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

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

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

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

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

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

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

~~**24. Emergency Housing & Shelters**~~

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

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

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

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

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

~~**25. Transitional & Supportive Housing, 8 Beds or Less**~~

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

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

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

~~**26. Transitional & Supportive Housing, More than 8 Beds**~~

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

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

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

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

23. Manufactured office building

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

a. The manufactured office building must be able to be transported in one or more sections.

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~~27.~~24. **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.

~~28.~~25. Small Wireless Facilities

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

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

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

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

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

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

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.

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. 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 10-2G-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 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

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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.

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Article 10-2H — C-1 (Community Commercial) District

Sections:

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

10-2H-3 Limited Uses (L)

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

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

C. Requirements for Specific C-1 Limited Uses.

~~**16. Emergency Housing & Shelters**~~

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

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

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

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

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

~~**17. Transitional & Supportive Housing, 8 Beds or Less**~~

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

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

~~**18. Transitional & Supportive Housing, More than 8 Beds**~~

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

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

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

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

16. Manufactured office building

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

f. The manufactured office building must be able to be transported in one or more section.

~~19.~~17. Plastic injection molding~~, Plastic injection molding~~, Sandblasting / cutting, & Tool and die making

a. The uses shall be completely enclosed within a building.

~~20.~~18. Welding / sheet metal shops

a. Open air welding shall be prohibited.

~~21.~~19. Woodworking / cabinet manufacturing with & without retail sales showroom

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a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

~~22.~~20. Research facility / laboratory

a. The research facility / laboratory use shall be completely enclosed within a building.

~~23.~~21. Public utility local distribution facility

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

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

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

~~24.~~22. **Small Wireless Facilities**

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

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

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

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

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

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. 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,~~

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~~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.

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.

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

Sections:

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

10-2I-3 Limited Uses (L)

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

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

C. Requirements for Specific C-2 Limited Uses.

1. **Agricultural product / craft sales stand (Farmer's market)**
   a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
   b. Displays of merchandise and vendors shall be limited to crafts, cards, plants, gardening/floral products, food, books, newspapers, and similar small items for sale to pedestrians.

c. A minimum aisle width of 6 feet shall be maintained between booths or displays.

2. Large-scale retail establishments

a. The following standards and the standards identified in Section 10-2F-10, subsection C-4 apply to all Large-scale retail establishments, as defined in Article 10-1C that make application for any of the following:

i. New construction;

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

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

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

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

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

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

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

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

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

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

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

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

c. Pedestrian & Bicycle Circulation / Facilities

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

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

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

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

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

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

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

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

e. Outdoor Storage Uses & Service / Loading Areas -

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

ii. Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or private street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;

iii. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters,

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

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

f. Outdoor Display / Sales Areas & Accessory Uses

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

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

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

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

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

vi. Temporary sales / displays, such as Christmas trees, landscape materials, etc.

aa. Temporary sales / displays shall be reviewed and approved by the Zoning Administrator through the Temporary Use Permit process in accordance with Section 10-4I-1.

~~g. Adaptability for Reuse / Compartmentalization / Redevelopment - It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:~~

~~i. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;~~

~~ii. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and~~

~~iii. Landscaping schemes that complement the multiple entrance design.~~

~~3. 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.~~

~~**4. Transitional & Supportive Housing, 8 Beds or Less**~~

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

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

~~**5. 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.~~

14. Manufactured office building

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

b. The manufactured office building is designed and constructed to applicable commercial building codes and structural load requirements.

c. The manufactured office building is designed and constructed to Americans with Disabilities Act (ADA) and applicable Washington State accessibility standards.

d. The manufactured office building must not be designed or used as a dwelling and is not considered a manufactured home.

e. The manufactured office building must be thermally equivalent to the Washington State Energy Code.

f. The manufactured office building must be able to be transported in one or more sections.

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~~14.~~15. Machine shop, plastic injection molding, sandblasting / cutting, & tool and dye making

a. The uses shall be completely enclosed within a building.

~~15.~~16. Welding / sheet metal shops

a. The welding / sheet metal shop use shall be completely enclosed within a building.

b. Open air welding shall be prohibited

~~16.~~17. Woodworking / cabinet manufacturing with and without retail sales showroom

a. The woodworking / cabinet manufacturing use shall be completely enclosed within a building.

~~17.~~18. Research facility / laboratory

a. The research facility / laboratory use shall be completely enclosed within a building.

~~18.~~19. **Recreational vehicle storage & self-service storage facility (mini storage)**

a. Storage facilities shall be limited in size to a maximum area of seven (7) acres.

b. All storage shall be screened from view using:

i. Buildings or walls within a minimum height of ten (10) feet, with all exterior buildings and walls meeting architectural design standards as detailed in paragraph "k" below; and

ii. Decorative fences with a minimum height of 6 ft., in combination with evergreen trees spaced to provide a continuous screen within 15 years of planting, shall be permitted between breaks in building walls along the perimeter of the facility, provided that the fencing does not exceed 25% of the right-of-way frontage.

c. All storage shall be covered by a roof.

d. All driving, parking, and storage shall be located on an impervious surface approved by the City.

e. All drains shall be equipped with an oil-water separator.

f. Storage facilities shall install and maintain secure access control.

g. Entrance gates shall be of an ornamental design that is semi-sight obscuring.

h. Buildings shall be set back a minimum of 20 feet from the edge of right-of-way.

i. A Type II visual relief landscape buffer shall be required along all right-of-way frontage.

j. The use of units shall be limited to storage only. No manufacturing assembly, or retails sales shall be permitted.

k. Architectural design standards:

i. Outward-facing, exterior building walls shall incorporate architectural detailing through use of varied materials and features, in a manner that breaks up large surfaces and provides spacing and articulation.

ii. Outward-facing walls shall incorporate articulation and divide large masses through such techniques including but not limited to building offsets, projections, modulation, recessed or projected entries, windows, canopies, etc.

~~19.~~20. **Public utility local distribution facility**

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

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

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

~~20.~~21. **Public utility transmission facility – EPF**

a. The utility company shall secure the necessary property or right-of-way to assure for the

proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.

b. All support structures for electrical transmission lines shall have their means of access located a minimum of 16 feet above the ground and the height of the structure above ground shall not exceed 45 feet.

c. Before issuance of a building permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional, and local mandates.

d. Undergrounding of all newly installed or extensively modified utilities under 55kV shall be required.

~~21.~~22. **Small Wireless Facilities**

a. Siting Hierarchy.

i. Collocation on an existing building or existing or replacement non-wooden light poles is the preferred siting location in this zone.

ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for network objectives, collocation on an existing or replacement wooden or metal utility pole within the zoning district shall be allowed.

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

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

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

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

10-2G-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. The City shall not impose additional off-street parking requirements on dwelling units or living units added within an existing building. 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.~~

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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 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.

Nonconformities. A building permit application to add dwelling units or living units within an existing building shall not be denied solely because the building contains an existing nonconformity related to parking, height, setbacks, elevator size for gurney transport, or modulation. Such nonconformities may remain unless the City official with decision-making authority makes written findings that the nonconformity causes a significant detriment to the surrounding area.

~~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.~~

~~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.~~

I. ~~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

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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.

CHAPTER 3

DESIGN AND MAINTENANCE STANDARDS

CONTENTS

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Article 10-3B — Access and Circulation

Sections:

10-3B-1 **Purpose**

10-3B-2 **Vehicular Access and Circulation**

10-3B-3 **Pedestrian Access and Circulation**

10-3B-1 Purpose

The purpose of this article is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 10-3B-2 provides standards for vehicular access and circulation. Section 10-3B-3 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Article 10-3G.

10-3B-2 Vehicular Access and Circulation

O. Construction. The following development and maintenance standards shall apply to all driveways and private streets:

1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce stormwater runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Engineer. In no case shall graveled surfaces be used for new driveways, parking areas, aisles, and turnarounds.
2. Stormwater Management. When a paved surface is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Stormwater facilities shall be constructed in conformance with City Engineering Design Standards.
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Section 10-3B-2, subsection 'K' above and the City Engineering Design Standards.)

Article 10-3C — Landscaping, Street Trees, Fences, and Walls

Sections:

10-3C-1 **Purpose**

10-3C-2 **Landscape Conservation**

10-3C-3 **New Landscaping**

10-3C-4 **Street Trees**

10-3C-5 **Fences and Walls**

10-3C-3 New Landscaping

A. Applicability. New landscaping requirements shall apply to the following uses:

1. Commercial and industrial buildings;
2. Multi-family buildings and complexes with 5 or more attached units;
3. Developments with three or more independent buildings on site;
4. As may be required by a condition of approval, or a conditional use permit; and,
5. Public buildings greater than 5,000 sq. ft.

Other uses not subject to new landscaping requirements, as detailed above, are, however, subject to the requirements for the preservation of significant vegetation and landscape conservation identified in Section 10-3C-2 above.

B. Landscaping Plan Required. A landscape plan is required and shall be submitted and reviewed prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3. For projects requiring 11 parking spaces or more, the landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

~~Landscape plans shall include the following details for irrigation and maintenance.~~

- ~~Water source~~
- ~~Point of connection~~
- ~~Controller system~~
- ~~Hydrozones~~
- ~~Tree irrigation method~~
- ~~Backflow prevention~~
- ~~Maintenance plan, including the responsible party (property owner, HOA, City (if approved)) for a minimum of two growing seasons after installation, or longer when required by the City.~~

~~B.~~

C. Inspection, Acceptance, and Replacement

1. Required landscaping, street trees, and irrigation systems shall be inspected by the City at installation, and prior to release of financial assurance.

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2. The City reserves the right to require correction of improper planting depth, girdling roots, damaged trunks, broken leaders, inadequate mulch, inadequate soil volume, defective irrigation, dead or declining plant material, or staking deficiencies, or other threats to plant viability noted during inspection, prior to Certificate of Occupancy issuance.
3. Trees that are dead, missing, improperly planted, severely damaged, or in irreversible decline during the establishment or assurance period shall be replaced with an approved species of equal or greater functional class unless otherwise approved by the City.

D. Bonding and Assurances. Prior to the issuance of any occupancy permits for a project, the project shall either install the required landscaping in accordance with the approved landscape plan or obtain bonding or other assurances as established in Section 10-4C-5, subsection D. In the event a bond or other assurance is needed, a temporary certificate of occupancy (TCO) may be issued for a period of up to 12 months, to complete the installation of the landscaping. In the case of a phased construction, the TCO may be extended once, for a period of up to 12 months. If the installation of the landscaping is not completed prior to the expiration of the TCO, the bond/ assurance may be used by the City to complete the installation.

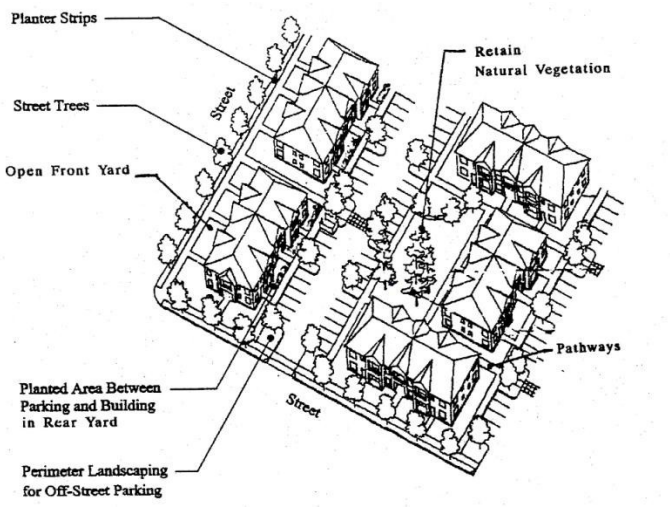
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~~D.~~E. Landscape Area Requirements. The landscaping requirements are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met, and vision clearance areas (Section 10-3B-2, subsection N) are maintained. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue). The following are minimum percentages of required site landscaping based on types of development (the requirements in E-G below may require exceeding the percentages below). If after meeting the requirements in E-G below, the required minimum percentage has not been achieved, additional landscaping shall be added on the site around the buildings, in the parking areas, around the perimeter, etc. in order to meet the required minimum percentages below (percentage of the site that is required to be landscaped):

1. Multi-Family Residential (and other applicable residential projects in all zones) - 20%
2. Commercial, Industrial, and Other Non-Residential (C-1, C-2, I, & P Zones) - 10%
3. Commercial, Industrial, and Other Non-Residential (M-1, M-2, M-3, & O Zones) - 15%
4. Government / Civic (all zones) - 20%



Multi-Family Landscape Example

~~E.~~F. The following table sets forth the required landscape buffers associated with specific zoning/land use adjacencies, as described in paragraph G:

Required Zone/Use Landscape Buffers		
Zoning/Use of the Site	**Adjacent Zoning or Adjacent Use[1]**	**Landscape Buffering Requirement**
Mixed Use Zones (M-1, M-2, M-3, RD-M)/ all non-residential uses	Residential Zone or Use	Type II – Visual Relief Buffer
C-1, C-2, RD-C/All uses	Residential Zone or Use	Type II – Visual Relief Buffer
I/All Uses	Residential Zone or Use	Type I – Visual Screen
I/All Uses	Mixed Use, P or O Zones	Type II – Visual Relief Buffer

[1]Whichever is least intensive

~~F.~~G. The following table establishes landscaping requirements for all developments identified in paragraph A of this section:

Landscaping Requirements	
Location	**Landscape Type**
I-90 Frontage	Type II – Visual Relief Buffer
Street Frontage	Type III – See-through Buffer
Parking Lot Perimeter[1]	Type III – See-through Buffer
Interior Park Lot[2]	As per Paragraph H
Building Perimeter	Type IV – Aesthetic Separation

[1]Not required if perimeter landscaping is established on adjacent lot.
[2]Done in combination with Interior Parking Lot Landscaping requirements

~~G.~~H. The following table establishes the standards for the different types of required landscape buffers:

Standards for Landscape Buffers				
	Type I -Visual Screen	**Type II - Visual Relief Buffer**	**Type III -See Through Buffer**	**Type IV - Aesthetic Separation**
Purpose	Dense, year-round screen between incompatible uses & zones to create a noise and sight obscuring barrier	A year-round, visual separation between incongruous land uses and zone designations	A street frontage aesthetics buffer, together with visual relief and canopy opportunities along the perimeter of parking lots	An aesthetic buffer to create a separation to soften the appearance of building elevations adjacent to driveways, parking areas
Width	10 ft. with required solid fence or wall	15 ft.	6 ft	5 ft.
Required Trees	Evergreen trees planted on the interior side of the fence to create a continuous screen within 15 years of planting (in no event shall trees be separated by greater than 25 feet on center)	Class I Tree = 1/180 sf Class II Tree = 1/240 sf Class III Tree =1/400 sf Maximum deciduous = 50%	Class I Tree = 1/180 sf Class II Tree = 1/240 sf Class III Tree =1/400 sf Maximum evergreen 25%	
Required Shrubs	Not required	1/25 sf, 50% evergreen/50% deciduous	1/25 sf, 50% evergreen/50% deciduous	1/25 sf, 50% evergreen/50% deciduous
Ground Cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non- vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover	100% coverage with native & adaptive plants & grasses, vegetative or non-vegetative ground coverage around required shrubs & trees; turf grass is not an acceptable ground cover
	Type I -Visual Screen	**Type II - Visual Relief Buffer**	**Type III -See Through Buffer**	**Type IV - Aesthetic Separation**
Alternates	Note: planting on interior of fence (for maintenance purposes)	Planting strip width can be reduced to 6 ft in combination with a minimum 6 ft high solid fence or wall. Note: planting on interior of fence (for maintenance purposes); also, no shrubs required with fence.	Landscaping between shared parking areas is not required, provided adequate tree canopy is provided through other means.	Landscape boulders and hardscape can be installed in lieu of 50% of required planting area

Exceptions			Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard; Trees must be set back a minimum of 15 feet from edge of driveway	Sidewalk or pedestrian path can be installed in lieu of planting strip
Administrative variances may be granted to the above requirements based upon topographic challenges and/or other naturally occurring site limitations.				

~~H.~~I. Interior Parking Lot Landscaping. Interior parking lot landscaping is required to supplement the perimeter parking lot landscaping in order to meet the following standards:

1. No parking stall is located more than 50 feet from a shade tree, unless the site contains a large-scale building or development (buildings with greater than 20,000 square feet of enclosed ground floor space or multiple buildings with a combined enclosed ground floor space greater than 40,000 square feet (as per Section 10-2J- 10(C)(2))), then no parking stall shall be located more than 100 feet from a shade tree. Street trees and trees located on adjacent properties can be included for the purpose of this calculation if they are in close enough proximity to the parking.
2. Required shade trees shall be located in landscape islands of not less than 100 sq. ft. in area, and not less than 9 feet in width.
3. In addition to shade trees, landscape islands shall contain vegetative or non-vegetative ground cover. Shrubs are optional.
4. Parking, loading, storage and/or display areas for tractor/trailers, buses, recreational vehicles, heavy equipment, and similar uses are exempt from interior parking lot landscaping requirements.

~~I.~~J. Screening of Mechanical Equipment, Outdoor Storage, and Loading Areas. All mechanical equipment, outdoor storage and manufacturing areas, and loading, service, and delivery areas, shall be screened from view from all public streets and any Residential Zones. Screening shall be provided by one or more the following (minimum of 6 feet tall):

1. Decorative wall (i.e., masonry or similar quality material);
2. Evergreen hedge,
3. Sight-obscuring fence, or
4. Similar feature that provides a non-see-through barrier.
5. Walls, fences, and hedges shall comply with the vision clearance requirements (Section 10-3B- 2, subsection N) and provide for pedestrian circulation, in accordance with Article 10-3B - Access and Circulation. (See Section 10-3C-5 for standards related to fences and walls.)

~~J.~~K. Refuse Enclosures. Trash dumpsters or compactors that are required by this Code shall be enclosed by a refuse enclosure consisting of a six (6) foot tall decorative wall or solid fence with fully sight-obscuring access gates.

~~K.~~L. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non- plant

ground covers, and outdoor hardscape features, as described below:

1. Significant Vegetation. Significant vegetation preserved in accordance with Section 10- 3C-2 above shall be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 10-3C-4 below may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
2. Plant Selection. Native and/or adaptive plant materials shall be used for all required landscaping. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, unless otherwise specified above. The selection plantings shall be based on local climate, exposure, water availability, and drainage conditions, and non-native, invasive plants shall be prohibited. As necessary, soils shall be amended to allow for healthy plant growth.
    a. Minimum Deciduous Tree Size.

        Deciduous trees shall have a caliper size of 1 3/4 inches or greater or be at least 10 feet tall at time of planting.

    b. Minimum Evergreen Tree Size.

        Evergreen trees shall be at least 6 feet tall at time of planting and have a low- branching habit with dense foliage.

    c. Minimum Shrub Size.

        Shrubs or perennials shall be planted from 2-gallon containers or larger and be at least 12” tall at time of planting. Perennials may be planted from 1-gallon containers if 2-gallons are not available.
3. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 10 percent of the required site landscape area; except in the Mixed Use Zones, where hardscape features may cover up to 20 percent of the required site landscape area (e.g. on a five acre site in the M-2 zone, 15% of the site or 32,670 sq. feet, is required to be landscaped, of that 32,670 sq. feet, 6534 sq. feet may be covered by hardscape features), or as otherwise provided in this section. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
4. Plant & Non-plant Ground Covers. Native and adaptive plant materials under 3 inches in height, and bark mulch, chips, aggregate, or other non-plant ground covers are encouraged to be used around trees and shrubs in landscaped areas. Turf grasses may not be used for ground cover, except where required landscape areas are combined with stormwater treatment facilities.
5. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) should be landscaped as per Regional Stormwater Manual specifications.

~~L.~~M. Protective Curbing. All landscaped areas shall be protected from vehicle damage by a six (6) inch high protective concrete curbing, consistent with drainage requirements. Rolled curbs are an acceptable alternative. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.

~~M.~~N. Maintenance and Irrigation.

1. An automatic irrigation system shall be required.
2. Exceptions to irrigation system requirements may be waived for xeriscaping and drought-tolerant plantings, provided a plan is in place to provide for irrigation during the period required

for the plantings to become established.

3. Required landscaping and street trees shall be served by an irrigation system designed to provide sufficient water for plant establishment and long-term viability.

4. Irrigation systems shall be designed according to plant water needs, soil conditions, slope, sun exposure, and hydrozones. Trees shall be irrigated separately from turf where feasible.

~~2.~~5. Tree irrigation shall deliver water to the root zone and shall not rely solely on turf spray heads unless approved by the City.

~~3.~~6. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen ~~of the same size~~ (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.).

~~4.~~7. All other landscape features required by this Code shall be maintained in good condition or otherwise replaced by the owner.

~~N.~~O. Additional Requirements.

1. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through Conditional Use Permit process (Article 10-4H).
2. Landscape design should take into account the integration of required trees and shrubs with required exterior lighting and should coordinate signage with landscape plans.
   a. A separation distance of 15 feet must be maintained between light poles and trees.
   b. Owners shall coordinate the location of planned or potential future wall, monument, and freestanding signage with landscape plans as part of the site plan review process. For the purpose of this requirement, potential future signage should be based upon allowable signage as per City Development Code 10-3E if specific sign plans are not yet available.
   3. In accordance with City Development Code Section 10-1B-8, Alternative Methods of Compliance, the City may approve alternatives to the landscape requirements if the consistency and other standards of Section 10-1B-8 are met.

10-3C-4 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 10-3G-2 - Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Landscaping Plan Required. A landscape plan is required and shall be submitted and approved by the City prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3 and shall indicate the anticipated height and width of each tree species proposed at maturity. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

1. Acceptable Street Trees. Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting in rights-of-way or on other public lands. The City maintains a non-exhaustive list of approved Street Tree species. Other trees, with characteristics similar to those listed above, and consistent with this Chapter, may be used with prior approval from City staff.

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2. Tree Diversity. New developments shall provide a diverse mix of tree species appropriate to the planting site, available soil volume, overhead and underground utilities, irrigation availability, and long-term maintenance needs. For developments requiring ten or more trees, no more than one-third (1/3) of the required trees may be the same species unless approved by the City Arborist.
3. Deviation. The City may approve deviations where site constraints, utility conflicts, or availability make strict compliance impractical.
4. Guidance. All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's "Z60.1 American Standards for Nursery Stock" as published by American Hort.~~Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting on rights-of-way and other public lands. The following sections C – F contain guidance for selecting species of trees proposed for planting on rights-of-way and other public lands. All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's *"Z60.1 American Standards for Nursery Stock"* as published by AmericanHort.~~

~~B.~~

~~C.~~B. Growth Characteristics. Trees shall be selected based on the compatibility of their growth characteristics with site conditions, including but not limited to available space for trees to grow above and below ground; required clearances for traffic, visibility and other infrastructure; soil conditions; and, exposure. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be "limbed-up" as the tree grows to accommodate vision clearance requirements.
4. Use narrow or "columnar" or other similar trees with narrow or upright growth forms, where awnings or other building features may limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, de-icing chemicals, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Use deciduous trees for summer shade and winter sun.

~~D.~~C. Size at Planting. The minimum caliper size at planting shall be 1 ¾ inches.

~~E.~~D. Size at Maturity. The following size classes which categorize tree species' size at maturity are set forth as follows and are referenced throughout other provisions of this section. [See Paragraph J of this Section for a list of acceptable street tree species.]

1. Class I Trees (Small Trees) are 20'-30' tall at maturity. Examples include but are not limited to:

   Crataegus x lavallei - Lavalle Hawthorne

   Maackia amurensis - Amur Maackia

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Malus x 'Spring Snow' – Spring Snow Crabapple (fruitless)

Parrotia persica - Persian Parrotia

2. Class II Trees (Medium Trees) are 30'-50' tall at maturity. Examples include but are not limited to:

   Acer campestre - Hedge Maple

   Gleditsia triacanthos 'Skycole' - Skyline Thornless Honeylocust

   Tilia americana 'Redmond' – Redmond Linden

   Tilia tomentosa 'Sterling' – Sterling Silver Linden

3. Class III Trees (Large Trees) are in excess of 50' tall at maturity. Examples include but are not limited to:

   Acer x freemanii 'Autumn Blaze' - Autumn Blaze Maple Acer saccharum spp. - Sugar Maple Varieties

   Ginkgo biloba - Maidenhair Tree Liriodendron tulipifera - Tulip Tree

~~F.~~E. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The use of grass in sidewalk tree wells is discouraged and if necessary, shall only be utilized in a manner approved by the City. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity.

1. Spacing. The spacing of Street Trees should be based upon the size of the tree selected and the canopy size at maturity, in accordance with the three species classes listed below:
   a. Class I Trees (Small Trees): 15 - 30 feet
   b. Class II Trees (Medium Trees): 30 - 40 feet
   c. Class III Trees (Large Trees): 40 - 50 feet
   d. Exceptions - special plantings designed or approved by a landscape professional or certified arborist.
2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in paragraph F (above), and no trees may be planted closer to any curb or sidewalk than the following, except in the case of existing plantings:
   a. Class I Trees (Small Trees) and Class II (Medium Trees) - three feet (minimum planting strip width of six feet)
   b. Class III Trees (Large Trees) - four feet (minimum planting strip width of eight feet)
   c. For existing planting strips less than 6 feet in width, only Class I Trees will be permitted, for replanting purposes.

   The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal, vertical clearances, and visibility at intersections.
3. Separation Distances from Other Infrastructure Fixtures. Street trees are to be located in available planting areas as determined once improvements and infrastructure identified below are taken into account and spacing is adjusted. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:
   a. Tree placement near any street corner, cross walk, or intersection shall be in conformance

with the City's clear view triangle standard;

b. 15 feet from the edge of any commercial or multi-family driveway;

c. Half the measured distance between the curb and the sidewalk will be used as the offset dimension from an alley or single-family driveway;

d. 15 feet from any light fixture;

e. 7 feet from any fire hydrant;

f. 15 feet from any utility poles;

g. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);

h. 5 feet from any curb cut for drainage; and,

i. 10 feet from any dry well.

~~G.~~F. Planting Standards. Street trees shall be planted in accordance with City of Liberty Lake Engineering Design Standards, Section 3.3(K)(3), Planting Standards.

~~H.~~G. Soil Preparation, Planting, and Care. The developer or abutting property owner, as applicable, shall be responsible for ensuring the planting of street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or abutting property owner, as applicable, shall also be responsible for ensuring the regular tree care maintenance (pruning, irrigating, fertilization, and replacement as necessary). Note: if at any time a street tree is substantially damaged by a vehicle or other means, it shall be the responsibility of the person causing the damage to replace the tree with one of similar species and size. Contact the City of Liberty Lake for additional information on street tree planting, pruning, and replacement.

~~I.~~H. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.

I. Street Tree List. The City of Liberty Lake is a Tree City USA, and the program emphasizes native species and encourages species diversity. ~~The City maintains a non-exhaustive list of approved Street Tree species for the City of Liberty Lake, Washington. Other trees, with characteristics similar to the above listed trees, and consistent with paragraph C of this section, may be used with prior approval from City staff~~ The approved Street Tree List can be found on the city website.

J. Replacement of Trees. Whenever a public tree, ~~or~~ public shrub, or a street tree is removed, the removed tree or shrub shall be replaced unless it is determined by the city arborist or their designee, that no suitable planting location exists on or adjacent to the subject site.

~~J.~~

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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. Parking spaces consisting of grass block pavers shall count toward minimum parking requirements. ~~if vehicles are not parked in tandem, or~~ 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 spaces located within a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway, or landscape area shall not count toward minimum parking requirements. 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.

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Residential Uses	Required Parking Spaces
Accessory caretaker's residence	1 space per unit
Accessory dwelling units (ADU's)	1 space per unit, unless within one-half mile walking distance of a major transit stop, then 0 spaces are required.
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 space per studio or one-bedroom dwelling unit • 1.5 spaces per two-bedroom dwelling unit • 1.75 spaces per dwelling unit with three or more bedrooms
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
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.

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

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Hotels and motels	1 space per guest room, plus 1 space per employee on the largest shift, plus 1 space per 150 gross square feet of meeting or conference rooms (restaurants, etc. require additional spaces as set forth herein)
Offices	1 space per 450 gross square feet for general or 1 space per 350 gross square feet for medical and dental offices
Restaurants, bars, ice cream parlors and similar uses	1 space per 150 gross square feet
Theaters, auditoriums, stadiums, gymnasiums, community centers, and similar uses	1 space per 3 fixed seats or 1 space per 150 gross square feet, whichever is greater

Industrial, Manufacturing, and Storage Uses	**Required Parking Spaces**
Industrial and manufacturing uses, except warehousing	1 space per employee on the largest shift or 1 space per 1,000 gross square feet, whichever is less, plus 1 space per company vehicle
Self-service storage facility	1 space per employee, plus 2 spaces per 250 units (5 spaces minimum required)
Warehousing	1 space per 1,000 gross square feet or 1 space per employee on the largest shift, whichever is greater, plus 1 space per company vehicle.

Recreation, Public and Institutional, and Other Uses	**Required Parking Spaces**
Childcare centers having 13 or more children and nursery / pre-schools	1.5 space per employee; or 1 space per 4 students, whichever is greater.
Chapels and mortuaries, and churches and similar places of worship	1 space per 4 fixed seats or 1 space per 100 gross square feet, whichever is greater.
Golf courses	8 spaces per hole, plus additional spaces for accessory uses set forth in this section. Miniature golf courses - 4 spaces per hole.
Supportive Housing	1 space per employee, plus 1 space per 5 residents, plus 1 space per vehicle operated by the home or facility
Hospitals	4 spaces per patient bed or 2.5 spaces per 1,000 gross sq. ft., whichever is greater
Elementary and middle school / junior high	1 space per 8 students
High schools	1 space per 4 students
Colleges, universities and trade schools	4 spaces per 1,000 gross sq. ft.

Participant & spectator sports facilities	60 spaces per outdoor field, or 1 space per 100 gross sq. ft. for indoor facilities
Public utilities and facilities, not including offices	1 space per employee on the largest shift, plus 1 space per company vehicle (2 spaces minimum required)
Recreational vehicle park / campground	1 space per stall

B. Unspecified Uses. Where a use is not specifically listed in subsection "A" above, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs or by utilizing the ITE Parking Manual. For all non-residential uses or for special cases involving new residential developments, the required minimum parking amount shall be determined by the City. For determination by the City, the Applicant shall supply:

1. Documentation regarding actual parking demand for the proposed use; or
2. Technical studies relating the parking need for the proposed use; or
3. Required parking for the proposed use as determined by other comparable jurisdictions.

C. Credit for On-Street Parking. The amount of off-street parking required may be reduced by the amount of on-street parking available directly adjacent to the subject property, provided the parking meets the following standards:

1. On-street parking shall conform to the minimum dimensions as detailed in Paragraph F, below, except that the aisle width shall conform to the City of Liberty Lake Right of Way and Street Design Standards for motor vehicle travel lanes (see Article 10-3G).
2. On-street parking spaces must be contiguous with the subject property;
3. Parking spaces shall not be located in a manner that would obstruct a required clear vision area, or otherwise violate any law or street standard; and
4. On-street parking spaces credited for a specific use may not be used exclusivelyby that use, but shall be available for general public use at all times. Signs or actions limiting general public use of on-street spaces is prohibited.

D. Credit for Bicycle Parking. Bicycle parking may substitute for up to ten percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

E. Change of Use. When a change in the use of a building or site is proposed, the Applicant must provide documentation for City review and approval demonstrating how the parking requirements for the proposal will be met. This may include the provision of additional onsite parking, shared parking, credit for on-street parking and/or a variance, in accordance with the provisions of this Chapter.

F. Parking Stall Standard Dimensions and Compact Car Parking. All parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping~~, and provide dimensions in accordance with the following table~~.

1. 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.
2. Nonresidential Parking. Required parking spaces for nonresidential development shall be

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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".~~

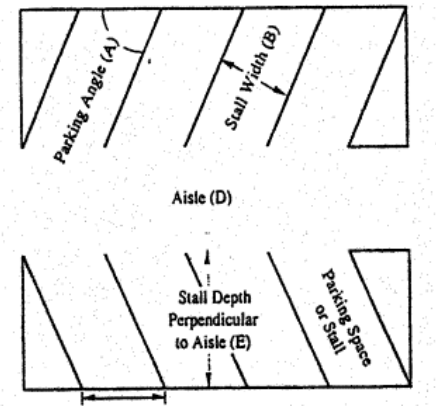
~~F.~~3. Accessible Parking. Required accessible parking shall be provided in conformance with Paragraph "G."

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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	~~9~~8 ft.	18 ft.	12 ft.	24 ft.	17 ft.	8 x 15 ft.
45 Degree	~~9~~8 ft.	12' 6"	14 ft.	24 ft.	19 ft.	8 x 17 ft.
60 Degree	~~9~~8 ft.	10' 6"	18 ft.	24 ft.	20 ft.	8 x 18 ft.
90 Degree	~~9~~8 ft.	9 ft.	24 ft.	24 ft.	~~18~~ 20 ft.	8 x 16 ft.



Important cross-references: Also see, Chapter 2 - Zoning Districts; Article 10-3B - Access and Circulation; Article 10-3C - Landscaping; and Article 10-3H - Stormwater Management.

Article 10-3G — Public Facilities Standards

Sections:

10-3G-1 **Purpose and Applicability**

10-3G-2 **Transportation Improvements**

10-3G-3 **Public Use Areas**

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

10-3G-5 **Storm Drainage Improvements**

10-3G-6 **Utilities**

10-3G-7 **Easements**

10-3G-8 **Construction Plan Approval and Assurances**

10-3G-9 **Installation**

10-3G-2 Transportation Improvements

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Article 10- 3B - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Transportation Improvement Plan, the provisions of this article, and the City of Liberty Lake Engineering Design Standards.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this article and the City of Liberty Lake Engineering Design Standards. Public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. New streets and drives connected to a collector or arterial street shall be paved; and
4. The City may accept a future improvement guarantee [e.g., owner agrees not to object against the formation of a local improvement district in the future in lieu of street improvements if one or more of the following conditions exist:
   a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
   b. Due to the developed condition of adjacent properties, it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
   c. The improvement would be in conflict with an adopted capital facility plan; or
   d. The improvement is associated with an approved land division on property zoned residential and the proposed land division does not create any new streets.
5. Privately owned and maintained streets may be allowed but are not encouraged. However, private streets must meet all the design and construction standards required for public streets. A homeowner's or property owner's association must be established to provide for street repair and maintenance.

~~5.~~6. Notwithstanding the requirements of this section, public street improvements shall not be required as a condition of permitting an accessory dwelling unit (ADU).

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

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

E. Co-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.

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-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.

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C. Transportation Concurrency Review Procedures.

1. Applicability. All project permits, except for those exempt, shall apply for Transportation Concurrency Review at the time applications for project permits are submitted. Inquiries about availability of capacity on transportation facilities or applicable mitigation fees may be made prior to project permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Concurrency Certificate as set forth in these regulations. These procedures may not apply if a transportation mitigation plan is adopted that specifies procedures for transportation mitigation.
2. Procedures.
   a. Applications for Transportation Concurrency Review shall be submitted on forms provided by the City.
   b. Transportation Concurrency Review shall be performed for the specific property, uses, densities, and intensities based on the information provided by the Applicant/Property Owner. The Applicant/Property Owner shall specify densities and intensities that are consistent with the uses allowed.
   c. The City shall issue a Concurrency Determination if a mitigation fee is not being utilized.
   d. The City shall notify the Applicant/Property Owner of the results of the Concurrency Determination or of the applicable required mitigation fees within 30 days of receipt of Application for Transportation Concurrency Review. If additional information is needed to determine Concurrency, such additional information may be requested by the City. Such request shall not make the original project application deemed incomplete.
   e. The project permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate Concurrency will be completed.
   f. If the proposed project fails the Concurrency Test and the project permit cannot be conditioned to accomplish concurrency, the project permit(s) shall be denied.
   g. If the proposed project passes the Concurrency Test, the City shall issue a Concurrency Certificate to the Applicant/Property Owner. The Certificate shall be used to maintain an accounting of traffic impacts on City Streets and the capacity that has been reserved or the mitigation fee that is required to be paid.
   h. If the project permit has been withdrawn, expires, or is otherwise cancelled, the Concurrency Certificate shall automatically be voided.
3. Relation to Other Requirements.

   Compliance with or exemption from the requirements of these regulations shall not exempt a project from compliance with all other City, County, State, and Federal regulations.
4. Concurrency Certificate.
   a. A Concurrency Certificate shall only be issued upon payment of any concurrency or mitigation fee due.
   b. A Concurrency Certificate shall apply only to the specific land uses, densities, intensities, and project described in the application and project permit.
   c. A Concurrency Certificate is not transferable to other property but may be transferred to new owners of the same property.

d. A Concurrency Certificate shall remain valid so long as the accompanying project permit has not expired or been revoked.

e. A Concurrency Certificate is valid for any modification of the permits for which the Certificate was issued so long as such modification does not require the Applicant to obtain a new project permit.

f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

5. Concurrency Certificate and Mitigation Fees.

   Fees for issuing Concurrency Certificates shall be based on an adopted fee schedule. Mitigation fees shall be based on the adopted mitigation plan.

D. Phased Development. When a project is proposed in phases or construction is expected to extend over some period of time, the Applicant/Property Owner may offer a schedule of occupancy that will be used by the City to determine the schedule of transportation improvements that must be completed, or financially guaranteed, prior to the finaling of each phase. However, the required transportation improvements shall be determined by analyzing the traffic impacts estimated to be generated by the fully completed project.

E. Transportation Concurrency Test Procedures.

1. Highway Capacity Manual methods selected by the City Engineer shall be used to analyze project impacts to intersections.
2. Current and planned Level of Service capacity, detailed~~information~~ in the Capital Facilities Plan, which is updated annually, shall be used as a starting reference to analyze project impacts.
3. Level of Service information shall be updated as necessary to account for traffic levels resulting from the following:
   a. traffic from newly constructed projects;
   b. projects for which traffic impacts have been tentatively reserved;
   c. projects for which a Concurrency Certificate has been awarded; and
   d. non-project, general background traffic increases.
   e. Level of Service information shall also be updated as necessary as a result of any discontinued Concurrency Certificates, funded road projects, or new Level of Service analysis.
4. Each City intersection affected by the proposed projects shall be reviewed and analyzed for Concurrency. The Applicant/Property Owner may be required to provide a traffic analysis if existing information does not provide adequate information for the Concurrency assessment.
5. Project proposals shall pass the Concurrency Test if:
   a. the transportation impacts from the proposed project does not decrease the Level of Service of affected intersections below the adopted vehicle LOS standards, and bicycle and pedestrian facilities on affected collectors and arterials meet the adopted multimodal LOS standards; or
   b. the Applicant/Property Owner agrees to modify the project or provide transportation improvements and/or binding financial commitments that will result in the Level of Service

of each deficient intersection meeting or exceeding the adopted standards, and any deficient bicycle and pedestrian facilities on affected collectors and arterials being brought into conformance with the adopted multimodal level of service standard.

F. Water and Sewer Concurrency. New development shall not be approved unless the proposal can demonstrate the availability of public water and sewer services consistent with adopted Levels of Service, and consistent with the definition for Concurrency in the City Comprehensive Plan. New development must:

1. Be connected to a public sewer at the time of occupancy.
2. Developer-financed extensions of public sewer may be allowed, provided capacity and infrastructure needs are adequately addressed. For purposes of this section, new development shall include plats, short plats, binding site plans, manufactured home park site development plans, planned unit development, and zoning reclassifications. Conditional use permits shall also be considered new development if the proposed use would result in an increased amount of wastewater generated on the site. New development not requiring sewer and/or water service (e.g. cellular towers) is exempt from this section.

G. Applicability to Vested Projects. These regulations shall not apply to land use applications vested in accordance with state and local law.

H. Conflicts Between Provisions. This article shall apply as an overlay and in addition to other adopted plans, ordinances, and regulations affecting lands in the City. In the event of any conflict between this article and an adopted mitigation plan or impact fee ordinance, the provisions of the adopted mitigation plan or impact fee ordinance shall prevail. In the event of any conflict between this article and any other ordinances, and/or regulations, the provisions of this article shall prevail. In the event of any conflict between this article and any development agreement which has been executed under RCW 36.70B.170, prior to the adoption of the Development Code, the development agreement or provisions therein shall govern and prevail during the term of the agreement.

Article 10-4C — Preliminary Design, Site Plan, and Building Plan Review and Approval

Sections:

10-4C-1 **Purpose**

10-4C-2 **Preliminary Design Review**

10-4C-3 **Site Plan Review and Approval**

10-4C-4 **Building Plan Submission and Review Requirements**

10-4C-5 **Bonding and Assurances**

10-4C-6 **Development in Accordance with Permit Approval**

10-4C-2 Preliminary Design Review

A. Applicability. The Design Review Subcommittee of the Planning Commission shall conduct a preliminary design review and make design recommendations for the types of construction or development listed below, in accordance with the design standards and established by City Code, and the design review criteria detailed in paragraph 10-4C-2(C) of this section.

1. Developments within designated mixed-use areas;
2. Planned unit developments and large-scale residential developments;
3. Public and semi-public institutional buildings over 5,000 sq. ft.;
4. Aesthetic corridors and boulevards, and adjacent development;
5. Commercial and industrial developments;
6. Developments adjacent to natural areas, critical areas, or shorelines; and
7. All non-residential buildings that are visible from a public street.

Where design review is applicable to middle housing subject to RCW 36.70A.635, only administrative design review shall be required, based on applicable objective design and development standards. Preliminary Design Review shall not be required for duplexes, triplexes, townhomes, clustered housing, or other moderate-density housing located in the R-1, R-2, or R-3 zoning districts, or for multi-family housing located in the R-3 zoning district, notwithstanding subsections (A)(1) and (A)(2) above.

Preliminary Design Review is recommended to be completed during design development so that recommendations can be incorporated into the final site plans and construction documents prior to permit submittal and review.

10-4C-3 Site Plan Review and Approval

A. Applicability. Site plan review and approval in accordance with the provisions of this section shall be required for all new construction or developments and modifications of existing construction or developments listed below, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt, unless the structure or site is non-conforming and the repair or replacement of materials causes a loss of non-conforming status (see Article 10-5C).

1. Governmental, public, and semi-public institutional buildings;
2. Commercial and industrial buildings;
3. Attached dwellings (single & multi-family) that:
   a. Exceed 100' in length along the primary street frontage, or;
   b. encompass three or more attached units;
4. More than 2 detached dwellings or two-family residential units located on a single lot or parcel;
5. Manufactured home parks;
6. Modifications to development approvals as defined by Article 10-4F;
7. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Article 10-4H - Conditional Use Permits;
8. Other developments, including single-family detached dwellings, manufactured homes, and two-family duplexes, when required by a condition of approval or within this Code.

Notwithstanding subsections (A)(3) and (A)(4) above, middle housing subject to RCW 36.70A.635 shall be subject to the same development permit and environmental review processes applicable to detached single-family residences, except where otherwise required by state law.

Prior to issuance of permits or approvals, site plan review shall be conducted by City staff. Decisions are based on clear and objective criteria in order to ensure compliance with the basic development standards of the zoning district (e.g., building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3 of this title. It is further informed by the recommendations provided by the Design Review Subcommittee of the Planning Commission in their preliminary design review, where applicable, and as based upon the design review criteria detailed in Article 10-4C-2, paragraph C.

B. Site Plan Review Application Submission Requirements. The applicant shall submit an application form containing all of the general information detailed on the City's application for Site Plan Review with required attachments as detailed on the submittal checklist contained therein. The following information must be included in the submittal for the Site Plan Review application to be considered complete:

1. Site Plan Review Information. An application for site plan review shall include the following information, as deemed applicable by the City:
   a. Site analysis map (existing conditions). The existing site analysis map shall include the following information, as applicable:
      i. Name and address of project designer, contact person, engineer, surveyor, and/or planner, as applicable
      ii. Professional engineer's stamp, signed and dated.

iii. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

iv. Existing topographic contours shown at 2-foot intervals, except that contours for slopes in excess of 6% may be shown at a five (5) foot interval; all slopes greater than 10% shall be identified.

v. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjacent to the site;

vi. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

vii. Known resource areas, including marsh and wetland areas, streams, wildlife habitats as may be mapped or otherwise identified by the City or any natural resource regulatory agencies as requiring protection;

viii. Site features, including existing structures, pavement, rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;

ix. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

x. The general location, size, and species of any existing trees and other vegetation that are intended to be protected and incorporated into the new landscape plantings;

xi. The general location, size, and species of all existing trees and shrubs meeting the threshold of "significant vegetation as detailed in Section 10-3C-2B of this title; and, noting which of those trees and shrubs which are proposed to be protected and incorporated into the new landscape plantings;

xii. Location of any existing fire hydrants, connections, or valves;

xiii. North arrow and scale;

xiv. Names and addresses of all persons listed as owners on the most recently recorded deed; and,

xv. Other information, as determined by the City. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

b. Proposed site plan. The proposed site plan shall include the following information, as applicable:

i. Name, phone number and e-mail address of project designer, contact person, engineer, surveyor, and/or planner, as applicable.

ii. Professional Engineer (or Registered Architect) stamp, signed and dated;

iii. The proposed development site, including boundaries, dimensions, and gross area;

iv. Approximated traffic counts to adjacent roadways during peak hours;

v. Features identified on the existing site analysis map which are proposed to remain on the site;

vi. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

vii. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

viii. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

ix. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

x. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);

xi. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

xii. Loading and service areas for waste disposal, loading, and delivery;

xiii. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;

xiv. Location, type, and height of outdoor lighting;

xv. Location of mailboxes, if known;

xvi. Location of bicycle parking with number of spaces indicated;

xvii. Location of bus stops and other public or private transportation facilities;

xviii. Locations, sizes, and types of proposed signs;

xix. Location of all proposed fire hydrants, the Fire Department connection, and Post Indicator Valve;

xx. North arrow and scale; and,

xxi. Other information determined by the City. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

c. Landscape plan. A proposed landscape plan shall provide the following information, as applicable:

i. Name, phone number and e-mail address of project designer, contact person, landscape architect, surveyor, and/or planner, as applicable;

ii. Professional Landscape Architects Stamp, signed and dated;

iii. The location and height of existing and proposed fences and other buffering or screening materials;

iv. Dimensional width of all perimeter landscape buffers per Article 10-3C-3(F);

v. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

vi. The location, size, and species of the existing trees and shrubs to remain, and proposed new plant materials (at time of planting);

vii. Existing and proposed building, pavement outlines and landscape protective curbing;

viii. Irrigation system (if plantings are not drought-tolerant, may be automatic or other approved method of irrigation). Details for irrigation and maintenance, including water source, point of connection, controller system, hydrozones, irrigation plan, backflow prevention, and a maintenance plan, including the responsible party (property owner, HOA, City (if approved)) for a minimum of two growing seasons after installation, or longer when required by the City;

ix. Calculation stating the percentage of landscape area per Article 10-3C-3(D);

x. North arrow and scale; and,

xi. Other information as deemed appropriate by City. An arborist's report may be required for sites with significant vegetation that is protected under Article 10-3C of this Code. Per the discretion of the City, some projects may combine site and landscape plans.

d. Architectural drawings. The proposed architectural drawings shall be submitted showing:

i. Name and address of architect, project designer, contact person, engineer, surveyor, and/or planner, as applicable.

ii. Registered Architects Stamp, signed and dated;

iii. Building elevations with design detail including windows, window awnings, entries, projections, pedestrian entrance canopies, change in materials or similar features, building height and width dimensions;

iv. Building materials, color, and type;

v. Total building footprint square footage and percentage of parcel or lot covered by buildings and other structures;

vi. Scale and dimensions; and,

vii. Revisions, as recommended in preliminary design review for the project; and,

e. Grading plan. A proposed grading plan shall be required for developments which would result in the grading (cut or fill) of 500 cubic yards or greater. The proposed grading plan shall include a Professional Engineers stamp, signed and dated and the name, phone and email address of the project designer, contact, and engineer, as applicable. The grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

f. Stormwater management, erosion, and sediment control plans. Plans detailing surface water detention and treatment, stormwater conveyance and disposal, and erosion and sediment control for projects which could potentially cause significant runoff, erosion, or water quantity/quality impacts, shall be prepared, stamped and signed by a Professional Engineer in accordance with the requirements of Article10-3H of this title, the City of Liberty Lake Engineering Design Standards, and the Spokane Regional Stormwater Manual, and shall include the name, phone number, e-mail for the Engineer of Record;

g. Public facility and utility plans. Civil plans shall be prepared, signed, and stamped by a licensed civil engineer, shall contain the contact information of the engineer of record, and shall detail existing and proposed site utilities and all public facility improvements as may be required in accordance with the standards detailed in Article 10-3G of this title, and the

City of Liberty Lake Engineering Design Standards.

h. Sign drawings, if applicable, shall be provided in conformance with the City's Sign Code Article 10- 3E.

i. Site lighting plan in conformance with Section 10-3F-2.

j. Copies of all existing and proposed restrictions or covenants.

k. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10-4C-below.

C. The Zoning Administrator shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The proposed land use is permitted by the underlying zoning district (Chapter 2);
2. All applicable building and fire code standards are met;
3. The development is in conformance with applicable ADA requirements.
4. Civil plans are in substantial conformance with City of Liberty Lake Engineering Design Standards, or a design deviation has been granted.
5. Stormwater and erosion control measures proposed are consistent with Best Management Practices.
6. The applicant shall upgrade any existing development that does not comply with the applicable zoning district standards, when so required in accordance with the provisions of Article 10-5C - Non- Conforming Uses and Development;
7. Conditions required as part of a Land Division (Article 10-4D), Conditional Use Permit (Article 10-4H), Specific Area Plan Overlay (Article 10-2M), or other approval shall be met, unless a modification to conditions of approval has been sought and approved, in accordance with the provisions of Article 10-4F.
8. The application is complete, as determined in accordance with Title 9, Building Regulations, Article 10-4B, and Section 10-4C-3(B) above, and other applicable Titles within the City Municipal Code.
9. The approval shall lapse, and a new application shall be required if an application for permit has not been issued within 6 months of site plan approval, unless an extension has been approved as provided for in Section 10-4C-6(C).
10. Traffic generated by the development can be managed by existing infrastructure or mitigated through impact fees or improvements required at the time of development.
11. Utility providers have verified the availability of services necessary to support the proposed development.

Article 10-4D — Land Divisions and Lot Line Adjustments

Sections:

10-4D-1 **Purpose**

10-4D-2 **General Requirements**

10-4D-3 Approvals Process
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10-4D-7 Submissions and Approval Criteria: Final Plat and Short Plat
10-4D-8 Public Improvements
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10-4D-10 Filing and Recording
10-4D-11 Replatting and Vacation of Plats
10-4D-12 Boundary Line Adjustments (BLA)
10-4D-13 Binding Site Plans (BSP)
10-4D-14 Unit Lot Subdivisions (ULS)

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10-4D-12 **Boundary Line Adjustments (BLA)**

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. For middle housing subject to RCW 36.70A.635, a zero-lot line short subdivision shall be allowed where the number of lots created is equal to the unit density required under RCW 36.70A.635 and may be processed as a unit lot subdivision under this section.
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.

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. 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.

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CHAPTER 6
ENVIRONMENT

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Article 10-6A — Environmental Ordinance

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10-6A-11 SEPA Exemption Levels Matrix & Summary of SEPA Process

A. SEPA Exemption Levels Matrix. The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for their own information. See Washington Administrative Code (WAC) chapter 197-11, and the provisions set forth in this article for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Activities in Critical Areas		X [2]
Activities of Fire and Law Enforcement - exempt construction	X	
Additions to Buildings - below the flexible thresholds	X	
Adoption of State Building Codes	X	
Adoption of Noise Ordinances	X	
Agricultural Buildings (less than 20,000 sq. feet)	X	
Annexation Into a City	X	
Binding Site Plan (BSP)		X
Class I, II, and III Forest Practice Permits / Regulations	X	
Closure of Schools (plan)	X	
Demolitions to Buildings - below the flexible thresholds	X	
Demolitions to Buildings of Historical Significance		X
Dredging		X

Dwelling Units (less than 20 units)	X	
Grants of Franchise by Agencies to Utilities	X	
Hydrological Measuring ~~Devises~~Devices	X	
Installation, Construction, Relocation of Utilities, Except the Following: 1. Communication Towers or Relay Stations 2. Stormwater, Water and Sewer Lines (greater than 8 inches) 3. Electrical Facilities and Lines (greater than 55,000 volts)	X [1]	
Issuance, Renewal, Revision of Air Operating Permit	X	
Landfills and Excavations (less than 500 cubic yards)	X	
License for Discharge to Air		X
License for Discharge to Water		X
Microcell Attached To Structure (no residence or school on-site)	X	
Minor Road Repair (including pedestrian and bicycle facilities)	X	
Minor Repair or Replacement of Structures	X	
Open Burning	X	
Office, School, Commercial, Recreational, Service, and Storage Buildings (less than 12,000 sq. feet and up to 40 parking spaces)	X	
Parking Lots (less than 40 parking spaces)	X	
Personal Wireless Service Antennas Attached To A Structure (no residence or school on-site and located in a Commercial or Industrial Zone)	X	
Personal Wireless Service Tower (less than 60 feet in a Commercial or Industrial Zone)	X	
Plat		X
Proposal or Adoption of Rules, Regulations, Resolutions, Ordinances, or Plans Relating To Procedures and Contains No Standards	X	
Reconstruction / Maintenance - Shoreline Protection Measures		X
Recreational Site Development (less than 12 campsites)	X	
Repair / Rebuilding of Dams, Dikes, and Reservoirs		X
Repair, Remodeling, and Maintenance of Existing Structures	X [1]	
Replacement of Utilities / Utility Lines	X [3]	
Rezone		X
Sale, Transfer, Exchange, or Lease of Land	X	
Short Plats or Short Subdivisions	X [1]	
Short Plats (within land previously platted)		X
Signs and Signals	X	
Special Use Permit - project meets flexible thresholds	X	

Survey and Boundary Markers	X	
Timber Harvest		X
Transit Stops	X	
Underground Tanks (less than 10,000 gallons)	X	
Vacation of Streets and Roads	X	
Variances (not including change in use or density)	X	
Variances (under the Clean Air Act)	X	
Water Rights and Structures (less than 50 cfs of surface water for irrigation)	X	
Water Rights and Structures (1 cfs or 2250 gpm of ground water)	X	
Water Quality Certifications	X	
Watershed Restoration Projects Pursuant to a Restoration Plan	X	

1. Applies to land not covered by water.
2. Under section 197-11-305 WAC, each County/City may adopt provisions to exclude exemptions listed in 197-11-800 for those sites listed in Critical Areas.
3. Some utility replacements are non-exempt. See WAC for specifics (i.e. replacement of transmission line for natural gas is not exempt).

Article 10-6B — Critical Areas

Sections:

10-6B-1 **General Provisions**

10-6B-2 **Emergency Permits & Reasonable Use Exceptions**

10-6B-3 **Wetlands**

10-6B-4 **Fish & Wildlife Habitat Conservation Areas**

10-6B-5 **Geologically Hazardous Areas**

10-6B-6 **Critical Aquifer Recharge Areas**

10-6B-7 **Additional Resources**

10-6B-8 **Incentives**

10-6B-1 General Provisions

A. Purpose. The purpose of this article is to implement the overall critical areas goals, and the specific goals and policies for wetlands, fish and wildlife habitat, geo-hazard areas, and critical aquifer recharge areas contained in the City of Liberty Lake Comprehensive Plan, Chapter 9 Natural Environment. The specific goals for wetlands, fish and wildlife habitat, geo- hazard areas, and critical aquifer recharge areas are listed below. Furthermore, it is expressly the purpose of this article to protect the health, safety, and welfare of the general public.

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 ~~may~~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.

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

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

1. Following the appeal procedures of the associated application; or
2. If there is no associated application or appeal process, follow the process in Section 10-4G-2, subsection H for Appeals of Administrative Interpretations by the Zoning Administrator.

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

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

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

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

10-6B-4 Fish & Wildlife Habitat Conservation Areas

ıce 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

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

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

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

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e. ~~Water bodies classified by the water typing system (WAC-222-16-030) or if unclassified, as described below and in WAC-222-16-030, have the following buffer area requirements:~~

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

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

10-2A-4 Zoning Districts Matrix

Facilities and Uses	R-1	R-	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
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	P~~N~~	P~~L~~	P~~L~~	N	N	N	N	N	N	N	N
Emergency housing & shelters	N	N	N	~~L~~P	~~L~~P	~~L~~P	~~L~~P	~~L~~P	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
Specialty housing – 8 beds or less	L	L	P	P	P	P	P	P	N	N	N
Specialty housing – 9 beds or more	N	N	P	P	P	P	P	P	N	N	N
Transitional & permanent ~~S~~supportive ~~H~~housing~~, 8 beds or less~~	~~L~~P	~~L~~P	~~L~~P	~~L~~P	~~L~~P	~~L~~P	~~L~~P	~~L~~P	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
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~~
Manufactured office building	N	CU	L	L	L	L	L	L	L	N	N
Medical equipment supply	N	N	N	N	P	N	P	P	P	N	N
Office	N	CU	P	P	P	P	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