

2026 PERIODIC UPDATE - DEVELOPMENT REGULATIONS PROPOSED OPTION 2 MODIFICATIONS FOR 8/26/26 PLANNING COMMISSION PUBLIC HEARING

8/25/26 - 60 Day Review Comments from WA State DOH Office of Drinking Water / Wellhead Protection Review

- **MMC Chapter 18.08, Critical Areas modification (18.08.020 & 18.08.075)**

- 18.08.020 Definitions, **modify “Qualified geologist”**

"Qualified geologist" means a Washington state licensed geologist or hydrogeologist, or a geologist from another state with a license recognized by the state of Washington. For projects involving Critical Aquifer Recharge Areas (CARAs), a qualified geologist must be a currently licensed Washington State geologist holding a current specialty license in hydrogeology.

- 18.08.075 Critical Aquifer Recharge Areas, **modify based on entire city being within a CARA**

18.08.075 Critical aquifer recharge areas (CARAs).

The Growth Management Act requires Millwood to designate areas and adopt development regulations for the purpose of protecting areas within the Millwood critical to maintaining groundwater recharge and quality. This section specifies the requirements to be enacted when regulated development within these areas is proposed to occur. This section applies to any person, firm, or corporation that establishes or proposes to establish new, expanded, enlarged or different land use or activity identified in Table 18.08.075B of this section within a designated critical aquifer recharge areas in the city of Millwood.

A. Designation and Rating.

1. ~~Critical aquifer recharge areas~~ CARAs are defined in MMC 18.08.020 and those areas with a critical recharging effect on aquifers used for potable water as defined by Section 365-190-030(23) WAC. Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.
2. Aquifer recharge areas are rated as having a high, moderate, or low susceptibility based on a scientific analysis of soils, hydraulic conductivity (the ease with which water moves between the surface and aquifers), annual rainfall, the depth to aquifers, the importance of the material between soils and aquifers (Vadose zone), and wellhead protection information. If a parcel lies within two or more susceptibility rating designations, the higher susceptibility rating designation shall apply to the whole parcel.
3. Designated wellhead protection areas and areas within a one thousand (1,000)-foot radius of wells without reported plans, are additionally treated as high-susceptibility

areas. As wellhead protection plans are completed for wells, the one thousand (1,000)-foot radius placeholder will be replaced by the Washington State Department of Health-certified wellhead protection area. Currently, the entire city limits is overlain by wellhead protection areas associated with multiple Group A public water systems.

4. Critical aquifer recharge area (CARA) mapping by Spokane County indicates the city of Millwood sites entirely over, or in, an aquifer recharge area rated as high susceptibility due to location over the Spokane ~~rathdrum~~Rathdrum prairie aquifer and soil type. Soil types are listed in Appendix A.

B. Uses and Activities Regulated in Critical Aquifer Recharge Areas. Table 18.08.075B establishes the following uses and activities regulated by the requirements of this section. This table should be interpreted with the corresponding performance standards set forth in subsection C of this section. Uses identified in Table 17-1 that are similar to uses below, as determined by the Planning Director, shall be classified the same as the use below for CARA regulation.

TABLE 18.08.075B

Uses and Activities Regulated in Critical Aquifer Recharge Areas	Aquifer Susceptibility Rating - <u>High - the entire City of Millwood is under a CARA</u>
	<u>High**</u>
<u>Agriculture & Animal Keeping</u>	<u>L-1</u>
<u>Biosolids land application</u>	<u>N</u>
Critical material storage, handling, generating or use	L-2, L-3
<u>Cultivation of land (commercial)</u>	<u>L-1</u>
<u>Dairy</u>	<u>L-1*</u>
<u>Floriculture (flower growing)</u>	<u>L-1</u>
<u>Grazing</u>	<u>L-1</u>
Greenhouse—Commercial	L-1
Horse boarding and training	L-1
<u>Horticulture (vegetable growing)</u>	<u>L-1</u>
<u>Large animal raising and/or keeping</u>	<u>L-1</u>
Nursery—Wholesale	L-1
<u>Orchard</u>	<u>L-1</u>
<u>Poultry raising, commercial</u>	<u>N</u>
Riding stable	L-1
Sanitary waste discharge & <u>production wastewater</u>	L-2, L-3
Stormwater disposal systems	L-4
<u>Tree farming</u>	<u>L-1</u>
<u>Truck gardening</u>	<u>L-1</u>
<u>Vineyard</u>	<u>L-1</u>

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~~N – Not permitted.~~

~~L – Limited Uses. These uses are permitted if they comply with the standards of this chapter and the corresponding performance standards listed in subsection C of this section.~~

~~* – A hydrogeologic study is required for this use.~~

~~** – Designated wellhead protection areas and areas within a one thousand (1,000)-foot radius of wells without reported plans, are additionally treated as high aquifer susceptibility areas.~~

C. Performance Standards for Uses and Activities in Critical Aquifer Recharge Areas. The following are the performance standards applicable to the uses and activities listed in Table 18.08.075B of this section.

1. L-1 Agriculture and Animal Keeping, Commercial Greenhouses, Horse Boarding & Stables, Wholesale Nursery.
 - a. Agricultural practices that impact critical aquifer recharge areas shall be mitigated by having a conservation plan prepared and the subject property shall be required to comply with approved land management and/or conservation practices that protect groundwater, as set forth in the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Technical Guides, and all local state and federal regulations and their amendments governing agricultural practices. The NRCS technical guide is available at the local field office of the Natural Resource Conservation Service.
 - b. Agricultural practices that are accessory to a primary residential use, including animal raising and/or keeping, and that exist for the personal enjoyment of the property resident, shall be exempted, and this subsection shall be advisory only as to those accessory agricultural practices.
2. L-2 Critical Materials Storage, Handling, Generating or Use. Critical materials subject to the following performance standards are set forth in the critical materials list in Chapter 3.15, as amended, of the Spokane County Code (adopted by reference):
 - a. All facilities related to the use of critical materials shall be designed so that:
 - i. Any spilled or leaked critical materials are contained on site;
 - ii. Any spilled or leaked critical materials cannot infiltrate into the ground; and
 - iii. No disposal of any waste containing critical materials shall be allowed on site.
 - b. Stormwater draining facilities in areas where critical material spills could occur shall be designed so that:
 - i. Mingling of stormwater and spilled critical materials is prevented; and
 - ii. Spill cleanup procedures are enhanced.

- c. Underground storage tanks used for containing critical material shall be installed and maintained according to the provisions in Chapter 3.15 of the Spokane County Code (adopted by reference) and adopted Building Code regulations.
 - i. Surface or subsurface disposal of a critical material is prohibited.
- 3. L-3 Wastewater Disposal.
 - a. Performance Standards Applicable to All Areas in Millwood. Critical material use activities that produce a process waste instead of or in addition to sanitary waste shall utilize one of the following methods for waste management and disposal:
 - i. Separate waste disposal systems shall be provided so those sanitary and process wastes are handled separately. The process waste shall be disposed of by collection in sealed holding tanks and shall be transported and disposed of at a site licensed for disposal of this effluent. An agreement to dispose of process waste under this section shall be recorded in the Spokane County auditor's office and shall not be removed without approval by Millwood.
 - ii. Sanitary and/or process waste waters shall be managed in compliance with a valid authorization from a publicly owned treatment works (POTW), which shall include any required pretreatment or monitoring;
 - iii. Sanitary and/or process wastewaters shall be managed in compliance with a valid surface water discharge permit, which is obtained from the Washington State Department of Ecology.
 - iv. Any failing septic systems that pollute waters of the state must provide corrective action consistent with Washington State Department of Health and Washington State Department of Ecology requirements.
 - v. Wastewater disposal shall comply with the Millwood Municipal Code, as amended, including Title 13.
 - b. Performance Standards for New Development.
 - i. Public sewer services consistent with the adopted levels of service and concurrency requirements set forth in the Millwood comprehensive plan and the Millwood zoning code, or as amended, are required for all new residential and nonresidential uses.
- 4. L-4 Stormwater Disposal.
 - a. Development shall provide for the treatment of stormwater run-off from impervious surfaces in a manner consistent with the Millwood Municipal Code, as amended.

- b. Direct injection wells or dry wells without an associated drainage swale or drainage swale system for stormwater disposal within five hundred (500) feet of wellhead protections areas are prohibited. Best management practices identified by the WA State Department of Ecology (DOE) must also be utilized.

Millwood Planning Commission Recommendation 8/26/26

DRAFT RECOMMENDATIONS FOR THE PLANNING COMMISSION

Option 1: Recommendation of approval

The Planning Commission recommends approval of the 2026 Millwood Periodic Update (Draft Development Regulations), as currently proposed, and finds that the criteria in MMC Section 14.12.150(B), as applicable, have been met.

1. The suggested amendment is consistent with the purpose and intent of the comprehensive plan for the physical development of the district, or city, as applicable.
2. The suggested amendment will not adversely affect the health and safety and welfare of the public.
3. The suggested amendment is not in violation of any state or federal law.

Option 2: Recommendation of approval with additional modification(s)

The Planning Commission recommends approval of the 2026 Millwood Periodic Update (Draft Development Regulations), as currently proposed, and finds that the criteria in MMC Section 14.12.150(B), as applicable, have been met. The following additional modification(s) are to be included with the recommendation:

1. Proposed modifications to MMC Chapter 18.08, Critical Areas (Sections 18.08.020 & 18.08.075) based on WA State DOH Office of Drinking Water / Wellhead Protection Review

Option 3: Recommendation of denial

The Planning Commission recommends denial of the 2026 Millwood Periodic Update (Draft Development Regulations), as currently proposed, and finds that the criteria in MMC Section 14.12.150(B), as applicable, have not been met.

1. The suggested amendment is not consistent with the purpose and intent of the comprehensive plan for the physical development of the district, or city, as applicable.
2. The suggested amendment will adversely affect the health and safety and welfare of the public.
3. The suggested amendment is in violation of any state or federal law.