



MILLWOOD PLANNING DEPARTMENT
STAFF REPORT TO THE
PLANNING COMMISSION

FILE NO.: 2026 PERIODIC UPDATE
(DEVELOPMENT REGULATIONS)

STAFF REPORT DATE: August 6, 2026

HEARING DATE AND LOCATION: August 26, 2026, beginning at 6:00 p.m., Millwood City Hall 9103 E. Frederick Ave. Millwood, WA 99206.

PROPOSAL DESCRIPTION: 2026 Periodic Update (Development Regulations)

PROPOSAL LOCATION: City of Millwood

APPLICANTS: N/A (City of Millwood)

CITY CONTACT: Amanda Tainio, Contract City Planner

PROPOSAL PROCESSING:

The following summarizes key public participation and review procedures for this proposal:

Application Submitted:	N/A
City Council / Planning Commission Joint Meeting (Periodic Update Kickoff):	July 9, 2024
City Council (Periodic Update Public Participation & Work Plan Adoption):	August 13, 2024 (Administratively Modified January 5, 2026)
Millwood Daze 2024 Periodic Update Information Booth:	August 24, 2024
City Council (Community Survey Review / Approval):	September 10, 2024
Millwood Community Survey & Community Visioning:	September - October 2024
City Council / Planning Commission Joint Meeting (Community Survey Results & Land Capacity Analysis Presentation):	December 10, 2024
Stakeholder Interviews / Correspondence:	January 2025 - August 2026
Millwood Daze 2025 Periodic Update Information Booth:	August 23, 2025
Planning Commission Meetings (Development Regulations Updates):	October 2025 - August 2026

Millwood Periodic Update Webpage Information, City Newsletter Articles, & Periodic Update Email Group Notifications (Development Regulations Updates):	October 2025 - Anticipated to be October / November 2026
City Council / Planning Commission Special Joint Meeting (Periodic Update - Intro to Development Regulations Update Requirements):	December 9, 2025
Notice of Planning Commission Public Workshop (6/24/26) Issued:	June 1, 2026
Notice of Planning Commission Public Workshop (6/24/26) Posted:	June 1, 2026
City Council Special Meeting (City Council Workshop on the Periodic Update – Financial & Regulatory Incentives for Housing)	June 9, 2026
Planning Commission Public Workshop (Draft Development Regulations):	June 24, 2026
SEPA Checklist and Non-Project DNS Threshold Determination Review (Draft Development Regulations):	June 26, 2026 - July 12, 2026
Notice of Planning Commission Public Hearing 8/26/26 & SEPA Availability (Draft Development Regulations) Issued:	June 26, 2026
Notice of Planning Commission Public Hearing 8/26/26 & SEPA Availability (Draft Development Regulations) Posted:	June 26, 2026
Notice of Planning Commission Public Hearing 8/26/26 & SEPA Availability (Draft Development Regulations) Published:	June 29, 2026
WA State Dept. of Commerce & State Agency 60 Day Review / Notice of Intent to Adopt (Draft Development Regulations - Submittal ID #2026-S-12987):	June 26, 2026 - August 25, 2026
City Council / Planning Commission Special Joint Meeting (Periodic Update - Updates to the City Development Regulations):	July 14, 2026
Staff Report Issuance (Draft Development Regulations):	By August 14, 2026
Planning Commission Public Hearing (Draft Development Regulations):	August 26, 2026
City of Millwood City Council Review / Public Hearing(s):	Anticipated to be September 8, 2026 & October 13, 2026
Adoption of Updated Development Regulations	Anticipated to be October 13, 2026
City Council Meeting (Periodic Update Completion Resolution):	Anticipated to be October 13, 2026 or November 10, 2026

REGULATORY AUTHORITY FOR AMENDMENT REVIEW:

- WAC 365-196 - Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations
- RCW 36.70A - Growth Management -- Planning by Selected Counties and Cities
- RCW 35A.11 - Laws Governing Noncharter Code Cities and Charter Code Cities—Powers
- RCW 43.21C - State Environmental Policy Act
- WAC 197-11 - SEPA Rules
- Millwood Municipal Code (MMC) including Section 14.12.150 - Amendments to development regulations and Section 16.02.070 - Amendments to the Subdivision Code.

APPROVAL CRITERIA: Millwood Municipal Code (MMC) including Section 14.12.150 - Amendments to development regulations and Section 16.02.070 - Amendments to the Subdivision Ordinance (as applicable for the Periodic Update).

MMC 14.12.150 - Amendments to development regulations (as applicable for the Periodic Update).

- A. ~~Any citizen of Millwood and staff members of Spokane County, Washington State, or federal agencies may suggest~~ amendments to Millwood's development regulations, including Ordinance 46 (zoning), Ordinance 52 (uniform building codes), Ordinance 147 (SEPA), Ordinance 270 (shoreline), Ordinance 226 (subdivision), Ordinance 236 (critical areas), and amendments to these ordinances, as well as any future development regulations. The suggested amendments shall be reviewed during a public hearing by the planning commission.
- ~~The suggested amendments shall be in writing with a qualifying statement(s) that explains how the amendments would increase public health, welfare, and safety, and/or be in any other way beneficial to the public.~~
- B. The planning commission shall base its recommendations to the city council on the following criteria:
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.
- C. The city council shall, after an examination of the planning commission's recommendation and reasons therefor:
1. Affirm the suggested amendment requesting that it be written by the appropriate department and presented for adoption at the following council meeting;
 2. Affirm the suggested amendment, as revised by the council, following the criteria set forth in subsection B of this section, requesting that it be written by the appropriate department and presented for adoption at the following council meeting;
 3. Disallow the suggested amendment.
- D. Notice for the public hearing shall be made at a minimum of ten days prior to the public hearing by posting the notice at three public notice boards within the city, and publishing the notice in a newspaper of general circulation. The notice shall briefly describe the amendments to be considered.
- ~~E. Amendments of development regulations that are associated with amendments of the comprehensive plan shall be subject to the rules contained in section 14.04.020.~~

MMC 16.02.070 - Amendments to the Subdivision Ordinance (as applicable for the Periodic Update).

Amendments to this title may be made following the procedures contained in this section.

1. The planning commission shall hold a public hearing on proposals to adopt, amend, or repeal the subdivision ordinance. Notice for the public hearing shall be published not less than ten days prior to the hearing in a newspaper of general circulation with the city, and notice shall also be given to individuals and organizations which have submitted requests for notice. Following the public hearing, the planning commission shall submit its recommendations in writing to the city council.
2. If after considering the planning commission's recommendations at a public meeting, the city council deems a change in the planning commission's recommendation is necessary, the city council shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the proposed amendment. Notice of any such hearing shall be given as provided in subsection 1. of this section.
3. ~~Any interested person, including applicants, citizens, and staff of other agencies may suggest amendments to this subdivision code. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW Chapter 36.70A.130.~~

PROPOSAL SUMMARY: The Washington State Growth Management Act (GMA) requires cities and counties to adopt comprehensive plans and development regulations for their communities. The City of Millwood has adopted a comprehensive plan and development regulations in accordance with the provisions of the Washington State Growth Management Act (GMA). Additionally, a GMA periodic update of a comprehensive plan and related development regulations must be conducted every ten (10) years. The City must make revisions necessary to comply with changes to WA State law, update data and best available science, and may consider changes to the vision, goals, and policies contained in the City Comprehensive Plan. The City must be up-to-date with the requirements of the GMA, including the periodic update requirements, to be eligible for grants and loans from certain state infrastructure programs. Updated Millwood Comprehensive Plan (Part 1) was adopted on November 12, 2025 under Ordinance 551. Part 2, which was adopted on March 10, 2026 under Ordinance 558, added some additional clarifications to the Housing Element to comply with a recent GMHB case and added the Climate Change and Resiliency Element that was coordinated with Spokane County.

The City has now drafted updates to the development regulations contained in the Millwood Municipal Code for consistency with the adopted Millwood Comprehensive Plan, for compliance w/ state law and the Periodic Update Checklist for Fully-Planning Cities, and for conformity with the Countywide Planning Policies for Spokane County (as amended and adopted April 22, 2025 via Resolution No. 25-0207). The following MMC Titles / Chapters have been proposed for revision:

- Chapter 18.08 Critical Areas
- Chapter 15.04-15.16-15.20 Construction
- Title 16 Subdivisions
- Title 14 Land Use
- Title 17 Zoning
 - Ch. 17.04 Use-Zones
 - Ch. 17.06 Table of Permitted Uses
 - Ch. 17.08-17.18 Residential

- Ch. 17.20-17.36 Commercial, Industrial, Public
- Ch. 17.38 General Provisions
- Ch. 17.42 Wireless Telecommunication Facilities
- Ch. 17.44 Administration and Enforcement
- Ch. 17.48 Essential Public Facilities
- Title 17 Appendix A Definitions

The City of Millwood 2026 Periodic Update (Draft Development Regulations update) contains the following:

- Zoning changes to ensure capacity for all housing needs and reduce regulatory barriers - Table of Permitted Uses updates for housing uses (MMC 17.06.010 – Table 17.1)
 - Added 7 new Middle Housing uses plus Co-Living Housing and Senior Independent Housing
 - Refined Residential / Commercial Mixed Use to allow for 3 types dependent on location (vertical mixed-use developments, horizontal mixed-use developments, and live-work buildings)
 - Updated / Added Group Home & Supportive, Transitional, Emergency, and Permanent Housing (STEP), as required by WA State Law
- MMC Title 17 Zoning – Updates for compliance w/ state law, conformity w/ Countywide Planning Policies for Spokane County, use and design refinements including incorporation of driveway requirements, off-street parking design, pedestrian access, and loading spaces for commercial uses, incorporation of Blue Zone principals such as urban agriculture updates, consistency, & clarity.
- MMC Chapter 17.08 - 17.18 Residential (UR-1, UR-2, and UR-3 Zones)
 - Removed requirement for frontage on a public street and reduced front lot line widths to allow for infill development that may utilize a private driveway / access and utility easement for the rear of the lot
 - Removed minimum lot size requirement and referenced consistency with adopted Bulk Density Standards in Millwood Comprehensive and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes
 - Updated ADU standards to be consistent with WA State Law which will allow for a significant increase in ADUs
 - Updated parking requirements to be consistent with WA State Law
 - Added provisions for new housing in existing buildings (per RCW 35A.21.440)
 - Added provisions for an increased density bonus for affordable housing located on property owned by a religious organization (per RCW 36.70A.545)
 - Added provisions for retrofits of existing buildings for residential housing and accommodation for passive house requirements (per RCW 36.70A.810 & 812)
 - Added provisions for conversion of single-family homes to middle housing
 - Updated residential design requirements based on adopted Comprehensive Plan Design Policies and Implementing Actions
- MMC Title 16 Subdivisions
 - Increased short plats from 4 lots to 9 lots
 - Added provisions for Unit Lot Subdivisions (ULS) to short plat and subdivision regulations
 - Added provisions for Administrative Lot Splits (ALS)
 - Clarified and streamlined regulations
- MMC Title 14 Land Use and Chapter 17.44

- The sections have been streamlined to reflect local project review requirements in state law and updated for consistency as well as current best practices such as addressing standards
- MMC Chapter 17.20 - 17.36 Commercial, Industrial, Public (C-1, C-2, I-1, I-2, and P-1 Zones)
 - Updated setbacks to provide consideration for adjoining residential zones, providing clarification and consistency for development standards, and incorporating provisions in WA State Law
 - Added provisions for new housing in existing buildings (per RCW 35A.21.440) and focused C-1 allowed residential on higher density mixed use with commercial
 - Outlined requirements and options for commercial shared parking
 - Updated parking requirements to be consistent with WA State Law and added residential / mixed use parking requirements as well as bicycle parking
- MMC Chapter 17.38 General Provisions
 - Inclusion of state law requirements
 - Clarified administrative exceptions & added alternative methods of compliance
 - Clarified non-conforming use, structure, & lot provisions
 - Added Green Infrastructure & Low-Impact Development (LID) provisions
 - Updated fencing regulations to be easier to utilize
 - Enhanced sidewalks, trails, shared roadways, and complete streets
 - Provided graphic for clear-view triangle
- MMC Chapter 15.04 – 15.20 (Construction)
 - Clearly identified Building Official
 - Updated adopted building code list
 - Updated for current administration practices, consistency, and clarity
- MMC Chapter 18.08 (Critical Areas)
 - Inclusion of state law requirements including best available science, updated definitions, etc.
 - Updated for consistency and clarity

ENVIRONMENTAL REVIEW: In accordance with WAC 197-11, notice was given that a SEPA Checklist had been completed for the City of Millwood 2026 Periodic Update (Development Regulations). The City of Millwood determined that the proposal would have no significant adverse environmental impacts and issued a Determination of Nonsignificance (DNS). Copies of the SEPA Checklist and the DNS Threshold Determination were available for review beginning on June 26, 2026 through 4pm, July 12, 2026. In addition to the publications and postings, notice was provided to:

- City of Millwood Staff, City Council, & Planning Commission
- City of Millwood Engineer
- Millwood Periodic Update Notice List
- Utility & Service Providers
- Public Agencies
- Adjacent Jurisdictions, Felts Field, and Tribes
- SEPA Review Agencies
- WA State Dept. of Commerce - Growth Management Services Contacts

REVIEWING AGENCIES: Agency comments received from the Notice of Planning Commission Public Hearing 8/26/26 & SEPA Availability (Draft Development Regulations) and/or the 60-Day GMA Review / Notice of Intent to Adopt (received as of August 5, 2026) have been summarized below.

- 7/2/26 - Spokane Valley Fire
 - No comments
- 7/6/26 - Washington Geological Survey (WGS), Washington Department of Natural Resources (DNR).
 - Critical areas ordinance modifications to definition of qualified erosion or landslide specialist, more detail on conditions of approval/mitigation requirements, and modifications to provide more detail about preliminary report requirements
 - Modifications were incorporated into draft MMC sections / subsections 18.08.020 Definitions, 18.080.030(A)(2), and 18.08.060(C)(2), as listed on the 2026 Periodic Update - Development Regulations Review Tracker 7/20/26 (*incorporated into Planning Commission Public Hearing Packet Version 8/6/26*)

PUBLIC COMMENTS (WRITTEN): Public comments received from the Notice of Planning Commission Public Hearing 8/26/26 & SEPA Availability (Draft Development Regulations) and/or the 60-Day GMA Review / Notice of Intent to Adopt (received as of August 5, 2026) have been summarized below.

- 7/14/26 - Millwood Resident
 - Suggest that if we are required to allow/accept a zero lot-line set-back along public alleys for ADUs, then we should consider allowing a set-back of less than 5 feet for single-family residences constructed adjacent to a public alley, especially if the City is allowing that alley to serve as the lot access.
 - *Millwood Planning Commission voted at the July 29, 2026 meeting to not make any additional revisions to residential setbacks from what was proposed in the 6/26/26 draft version.*

HEARING PROCESS: The Planning Commission will conduct the hearing pursuant to MMC Title 14 including Section 14.12.150 - Amendments to development regulations and Section 16.02.070 - Amendments to the Subdivision Ordinance (as applicable for the Periodic Update). All interested persons may testify at the public hearing and may submit written comments and documents before or at the hearing. All hearings are conducted in facilities that are accessible to persons with physical disabilities. The City Council shall, after an examination of the Planning Commission's recommendation and reasons therefor, render the final decision.

STAFF ANALYSIS:

Legal Compliance

The Periodic Update Checklist for Fully-Planning Cities (July 2024 version with 2025 updates) and supplementary topic specific checklists for critical areas and housing, were utilized for the Periodic Update development regulations updates, with revisions made to the Millwood Municipal Code (MMC), as needed.

Section II: Development Regulations	STORMWATER
CRITICAL AREAS	ORGANIC MATERIALS MANAGEMENT
ZONING CODE	IMPACT FEES
SHORELINE MASTER PROGRAM	CONCURRENCY & TDM
RESOURCE LANDS	TRIBAL PARTICIPATION
ESSENTIAL PUBLIC FACILITIES	REGULATIONS FOR OPTIONAL ELEMENTS
SUBDIVISION CODE	PROJECT REVIEW PROCEDURES
	PLAN & REGULATION AMENDMENTS

The proposed development regulations updates were reviewed for consistency with WA State Law and updated code drafts were sent to the Washington State Department of Commerce and other state agencies on June 26, 2026, for the required 60-day state notification / Notice of Intent to Adopt (under RCW 36.70A.106) to solicit agency comments. The 2026 Periodic Update to Millwood’s development regulations has been completed per current requirements.

Consistency

Pursuant to WAC 365-196, one of the features of the Growth Management Act (GMA) is requiring that locally developed plans be internally consistent, consistent with county-wide planning policies and multicounty planning policies, and consistent with the plans of other counties and cities where there are common borders or related regional issues. Additionally, development regulations adopted to implement the comprehensive plans must be consistent with such plans. WAC 365-196-500 outlines internal consistency, WAC 365-196-800 outlines the relationship between development regulations and comprehensive plans, and WAC 365-196 810 outlines reviewing for consistency when adopting development regulations.

File #	Comprehensive Plan Analysis
2026 Periodic Update (Development Regulations)	<i>As currently written, consistency requirements have been met.</i> Millwood Comprehensive Plan 2026 - 2046 (Ordinance 558).

File #	Development Code/Zoning Analysis
2026 Periodic Update (Development Regulations)	<i>Consistent w/ GMA requirements and the adopted Millwood Comprehensive Plan as well as internal consistency. No zone changes were required in order to accommodate Millwood’s future growth.</i> Millwood Municipal Code (MMC), draft development regulations updates Planning Commission Public Hearing Packet Version 8/6/26 (6/26/26 version with SEPA/Agency 60 Day Review Comments through 8/5/26 incorporated into CAO 7/20/26)

MMC 14.12.150 - Amendments to development regulations (as applicable for the Periodic Update) & MMC 16.02.070 - Amendments to the Subdivision Ordinance (as applicable for the Periodic Update).

The City of Millwood 2026 Periodic Update draft development regulations, meet all applicable criteria for amendment and the required processes have been / will be followed.

STAFF SUMMARY

- A. The Growth Management Act was established in the State of Washington in 1990 to provide a framework for land use planning and development regulations.
- B. Spokane County and the cities within it were mandated to plan under the GMA in 1993.
- C. As a City within Spokane County, Millwood crafted a Comprehensive Plan and Development Regulations which reflect and implement the community's vision for land use.
- D. The Growth Management Act, RCW 36.70A.130 requires the City of Millwood to enact a Comprehensive Plan, and to review and revise, if necessary, the Plan and development regulations

periodically (currently every 10 years) to ensure that it complies with the requirements of the Growth Management Act.

- E. Updates to the City of Millwood development regulations must be consistent with the adopted Millwood Comprehensive Plan, the Countywide Planning Policies for Spokane County, and must implement the Comprehensive Plan to accommodate the urban growth projected to occur within the next 20 years as well as the City's housing allocation.
- F. On July 21, 2026, the Board of County Commissioners of Spokane County officially adopted the Steering Committee of Elected Officials (SCEO) recommendation related to the Housing for All Planning Tool (HAPT), Housing Unit Growth Share Input for Housing Allocations, via Resolution 26-0375, which was the allocation that the City of Millwood utilized for the 2026 Periodic Update to the City Comprehensive Plan and development regulations.
- G. The WA State Department of Commerce provided a "Periodic Update Checklist for Cities" to guide cities through the periodic update requirements along with guidance for updating development regulations, to comply with recent changes to the GMA.
- H. The City of Millwood completed the "Periodic Update Checklists for Cities" to determine which portions of the city development regulations would need to be reviewed and updated, in addition to updates necessary for consistency, as well as reviewing updated WA State laws and guidance provided by the Washington State Department of Commerce for Tier 3 cities.
- I. Millwood's 2026 Periodic Update process for development regulations updates, has followed the City of Millwood Periodic Update Public Participation Plan and the Periodic Update Work Plan that were adopted by the City Council on August 13, 2024 with administrative adjustments and modifications completed for the Periodic Update Work Plan in order to maintain substantial progress on the Periodic Update. Extensive public participation opportunities were provided, consistent with these plans, including meeting SEPA and 60-Day review requirements.
- J. Consistent with guidance from the WA State Department of Commerce following the City of Mercer Island case, the City Council reviewed Millwood's proposed regulatory and financial incentives for housing on June 9, 2026 and provided direction to utilize the proposed regulatory incentives contained in the draft development regulations updates and predominantly existing financial incentives, with a City of Millwood webpage subsequently developed on July 23, 2026 to advertise financial incentives that are applicable to properties in the City of Millwood.
- K. The review process for Millwood's 2026 Periodic Update of city development regulations complies with MMC requirements, as applicable, and WA State Law.
- L. The draft city development regulations updates are consistent with the currently adopted Countywide Planning Policies for Spokane County (as amended and adopted April 22, 2025 via Spokane County Resolution No. 25-0207) and Millwood's adopted Comprehensive Plan (Ordinance 558), as well as being internally consistent, and consistent with GMA requirements including updated Accessory Dwelling Unit standards, Tier 3 city guidance, local project review requirements, and critical areas update requirements to meet the 2026 periodic update requirements for fully planning jurisdictions, as applicable to the City of Millwood.

ATTACHMENTS:

- Exhibit 1. Notice of Planning Commission Public Hearing 8-26-26 and SEPA Availability
- Exhibit 2. 2026 Millwood Periodic Update (Development Regulations) - PC Public Hearing Packet
Version 8-6-26 (*6/26/26 version with SEPA/Agency 60 Day Review Comments through 8/5/26 incorporated into CAO 7/20/26*)

The 2026 Periodic Update draft development regulations are also available on the City website -
<https://www.millwoodwa.us/periodic-updates>.

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.

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.

Pursuant to MMC 14.12.150(C) and MMC 16.02.070, the city council shall, after an examination of the planning commission's recommendation and reasons therefor:

1. Affirm the suggested amendment requesting that it be written by the appropriate department and presented for adoption at the following council meeting;
2. Affirm the suggested amendment, as revised by the council at a properly noticed public hearing, following the criteria set forth in subsection B of MMC Section 14.12.150, requesting that it be written by the appropriate department and presented for adoption at the following council meeting;
3. Disallow the suggested amendment.

ATTACHMENT - EXHIBIT 1:
NOTICE OF PLANNING COMMISSION PUBLIC HEARING 8-26-26 AND SEPA AVAILABILITY

NOTICE OF PERIODIC UPDATE - PUBLIC HEARING

MILLWOOD PLANNING COMMISSION & AVAILABILITY OF SEPA CHECKLIST AND THRESHOLD DETERMINATION

HEARING DATE/TIME: Wednesday, August 26, 2026 at 6:00pm during the regularly scheduled City Planning Commission Meeting

HEARING LOCATION: Millwood City Hall 9103 E. Frederick Ave. Millwood, WA 99206

DECISION MAKING AUTHORITY: Millwood Planning Commission provides a recommendation to the Millwood City Council on updates to the development regulations in the Millwood Municipal Code.

LOCATION OF PROPOSAL: City of Millwood

APPLICATION/DESCRIPTION OF PROPOSAL: This is a non-project action for the development regulations portion of the 2026 periodic update for the City of Millwood in accordance with the WA State Growth Management Act (GMA) Periodic Update requirements. The City has proposed revisions necessary to comply with changes to WA State law, update best available science, and update development regulations to be consistent with the updated City Comprehensive Plan as well as for internal consistency. Modifications have been proposed for Millwood Municipal Code (MMC) Chapter 18.08 Critical Areas, Chapter 15.04, 15.16, and 15.20 Construction, Title 16 Subdivisions, Title 14 Land Use, and multiple chapters as well as Appendix A Definitions under Title 17 Zoning.

ENVIRONMENTAL DETERMINATION: In accordance with WAC 197-11, notice is hereby given that a SEPA Checklist has been completed for the City of Millwood 2026 Periodic Update (Development Regulations). The City of Millwood has determined that the proposal will have no significant adverse environmental impacts and has issued a Determination of Nonsignificance (DNS). Copies of the SEPA Checklist and the DNS Threshold Determination will be available for review beginning on June 26, 2026. Comments on the DNS Threshold Determination should be sent to the City contact (SEPA Responsible Official) by 4pm, July 12, 2026.

HEARING PROCESS: The Planning Commission will conduct the hearing pursuant to MMC Title 14 including Section 14.04.020, as applicable for the Periodic Update. All interested persons may testify at the public hearing and may submit written comments and documents before or at the hearings. All hearings are conducted in facilities that are accessible to persons with physical disabilities. The City Council shall, after an examination of the Planning Commission's recommendation and reasons therefor, render the final decision.



STAFF REPORT AND INSPECTION OF FILE: A staff report will be available for inspection at least seven (7) calendar days before the August 26, 2026 public hearing. The file may be inspected at Millwood City Hall, 9103 E. Frederick Ave., between 7:00 am and 4:00 pm, Monday-Friday, excluding holidays. Copies of documents are available for purchase.

City Contact: Amanda Tainio, Contract City Planner - (509) 924-0960 or planner@millwoodwa.us.

Information is also available on the City website at <https://www.millwoodwa.us/periodic-updates>.

NOTICE: Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk at (509) 924-0960 as soon as possible so that arrangements may be made.

ATTACHMENT - EXHIBIT 2:

**2026 MILLWOOD PERIODIC UPDATE (DEVELOPMENT REGULATIONS) - PC PUBLIC HEARING
PACKET VERSION 8-6-26 (6/26/26 VERSION WITH SEPA/AGENCY 60 DAY REVIEW COMMENTS
THROUGH 8/5/26 INCORPORATED INTO CAO 7/20/26)**

Bookmarks

Title_14___LAND_USE (5-28-26)

Chapter_15.04-15.16-15.20_CONSTRUCTION (5-28-26)

Title_16___SUBDIVISIONS (5-28-26)

Chapter_17.04___TITLE___USE_ZONES___BOUNDARIES_AND_ZONES (5-28-26)

Chapter_17.06___TABLE_OF_PERMITTED_USES (5-28-26)

Chapter_17.08-Chapter_17.18_RESIDENTIAL (6-25-26)

Chapter_17.20-Chapter 17.36_COMMERICAL-INDUSTRIAL-PUBLIC (6-25-26)

Chapter_17.38___GENERAL_PROVISIONS (5-28-26)

Chapter_17.42___WIRELESS_TELECOMMUNICATION_FACILITIES (5-28-26)

Chapter_17.44___ADMINISTRATION_AND_ENFORCEMENT (6-25-26)

Chapter_17.48___ESSENTIAL_PUBLIC_FACILITIES (5-28-26)

Title 17 APPENDIX_A___DEFINITIONS (5-28-26)

Chapter_18.08___CRITICAL_AREAS (7-20-26)

Title 14

LAND USE

Chapter 14.04 COMPREHENSIVE PLAN

14.04.010 Comprehensive plan.

The City of Millwood comprehensive plan adopted by Ordinance No. 551 as amended by Ordinance 558 is available in its entirety in the office of the city clerk.

(Ord. 349, 2005: Ord. 328, 2003: Ord. 319, 2002: Ord. 315, 2001)

(Ord. No. 384, 9-8-2009; Ord. No. 385, § 1, 11-2-09; Ord. No. 551, § 1, 11-12-2025; Ord. No. 558, § 1, 3-10-2026)

14.04.020 Amendments to comprehensive plan.

- A. Any property owner(s) or their representatives; any citizen, agency, neighborhood association, or other party; or the department, planning commission, or city council may suggest amendments to Millwood's adopted comprehensive plan.
 - 1. Sixty (60) days prior to November 1 in each calendar year, the city shall notify the public that the amendment process has begun. Notice shall be distributed as follows:
 - a. Notice published in an appropriate regional or neighborhood newspaper or trade journal;
 - b. Notice posted on all of the city's official public notice boards; and
 - c. Copy of the notice sent to all agencies, organizations, and adjacent jurisdictions with an interest.
 - 2. The suggested amendments shall be in writing with a qualifying statement(s) that explains how the amendments would increase public health, welfare, and safety, and/or be in any other way beneficial to the public.
 - 3. Applications shall be made on forms provided by the city.
 - 4. The suggested amendments shall be docketed and maintained by the city clerk and will be renewed annually during a public hearing at the January planning commission meeting.
 - 5. All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications registered after November 1 of the previous calendar year and before November 1 of the current calendar year shall be included in the annual review. Those registered after November 1 of the calendar year shall be placed on the register for review at the following annual review.
 - 6. Emergency Amendments. The city may review and amend the comprehensive plan when the city council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).

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- B. Comprehensive plan amendments require at least one open record public hearing before the planning commission. After receiving the planning commission's written recommendation on proposed amendments, the city council may conduct one or more hearings on proposed amendments.

However, except as otherwise provided in (3) in this subsection, if the city council chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for public review and comment has passed under the city's procedures, an opportunity for review and comment on the proposed change shall be provided before the city council votes on the proposed change.

1. A notice of public hearing shall include the following:
 - a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. A statement of what areas, comprehensive plan designations, zones, or locations will be directly affected or changed by the proposal;
 - d. The date, time, and place of the public hearing;
 - e. A statement of the availability of the official file; and
 - f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.
 2. Notice for the public hearing shall be made at a minimum of ten days prior to the public hearing by posting the notice at three public notice boards within the ~~town~~city, and publishing the notice in a newspaper of general circulation. Notice should also be emailed to the public notice group and posted on the city website, if possible. The notice shall briefly describe the amendments to be considered.
 3. An additional opportunity for public review and comment is not required under this subsection if:
 - a. An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
 - b. The proposed change is within the scope of the alternatives available for public comment;
 - c. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without materially changing its effect;
 - d. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - e. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.
- C. Following the public hearing, the planning commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the city council. The planning commission shall take one of the following actions:
1. If the planning commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The planning commission

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- may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modification is substantial, the planning commission must conduct a public hearing on the modified proposal;
2. If the planning commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
 3. If the planning commission is unable to take either of the actions specified in subsections (C)(1) or (2) of this section, the proposal will be sent to city council with the notation that the planning commission makes no recommendation.
- D. During its annual review of the suggested amendments, the city shall base its review on the following criteria:
1. The city may approve comprehensive plan amendments and area-wide zone map amendments if it finds that:
 - a. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment; and
 - b. The proposed amendment is consistent with the requirements of RCW Chapter 36.70A and with the portion of the city's adopted plan not affected by the amendment;
 - c. The proposed amendment responds to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - d. The proposed amendment corrects an obvious mapping error; or
 - e. The proposed amendment addresses an identified deficiency in the comprehensive plan.
 2. The city must also consider the following factors prior to approving comprehensive plan amendments:
 - a. The effect upon the physical environment;
 - b. The effect on open space, streams, and rivers;
 - c. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
 - d. The adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools;
 - e. The benefit to the neighborhood, city, and region;
 - f. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
 - g. The current and projected population density in the area; and
 - h. The effect upon other aspects of the comprehensive plan.
- E. Transmittal to the state of Washington. At least sixty (60) days prior to final action being taken by the city council, the Washington State Department of Commerce (WSDC) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to WSDC.
- F. Within sixty (60) days of receipt of the planning commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and may hold a public hearing pursuant to council rules. The department shall distribute notice of the council's public hearing pursuant to MMC 14.04.020(B). All annual amendments to the comprehensive plan shall be considered concurrently. By a majority vote of its membership, the city council shall:

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1. Approve the application;
 2. Disapprove the application;
 3. Modify the application. If the modification is substantial, the council must either conduct a public hearing on the modified proposal in accordance to subsection (B) above; or
 4. Refer the proposal back to the planning commission for further consideration.

(Ord. No. 385, § 2, 11-2-2009; Ord. No. 470, § 1, 1-13-2015)

Chapter 14.08 REGIONAL SITING PROCESS FOR ESSENTIAL PUBLIC FACILITIES

14.08.010 Regional Siting Process for Essential Public Facilities.

The Spokane County Regional Siting Process for Essential Public Facilities adopted as amended by the city of Millwood is available in its entirety in the planning office.

(Ord. 328, 2003; Ord. 319, 2002)

Chapter 14.12 LAND USE PERMIT REVIEW

14.12.010 Findings.

The city council finds and declares the following:

- A. As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required land use permits, each with its own separate approval process.
- B. The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.
- C. This regulatory burden may significantly add to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

(Ord. 271 § 1, 1996)

14.12.020 Applicability.

- A. These rules apply to all land use permits under Titles 15, 16, 17, and 18 of this code and to any related regulation implementing these provisions or any other ordinance or law. Unless another department is the primary agency in a permit process, the Planning Director / City Planner ~~clerk-treasurer~~ administers those chapters and may adopt such rules as will assist in administering these provisions.
- B. Title 14 establishes the integrated and consolidated project permit process for the city which provides for no more than one consolidated open record hearing and one closed record appeal on a project.

-
1. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;
 2. Any city public meeting or required open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW 36.70B.110.
- C. If there is an inconsistency in the processing procedures outlined in this title by any prior title, chapter, ordinance, or resolution adopted by the city, the provisions of Title 14 shall prevail.

(Ord. 271 § 2, 1996)

14.12.025 Applications / Project Classification Types and Review Process

- A. City of Millwood permit applications / projects and similar applications / projects shall be classified under the following Administrative, Quasi-Judicial, and Legislative Permit Types. The planning director / city planner or designee shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.
1. Legislative Applications
 - a. Amendments to the Comprehensive Plan (MMC Chapter 14.04)
 - b. Amendments to Development Regulations (MMC 14.12.150)
 2. City Council Final Land Division Decisions - Refer to MMC Title 16
 - a. Final Subdivision (Final Plat) / Unit Lot Subdivision (10 or more lots)
 - b. Subdivision / Binding Site Plan Vacations
 - c. Subdivision / Binding Site Plan Alterations
 3. Ministerial Permits & Exempt
 - a. Administrative Interpretations, Nonconforming Determinations, & Alternative Methods of Compliance
 - b. Approach / Right-of-Way Permit
 - c. Building Permits for permitted uses, including Accessory Dwelling Units (ADU) that require site plan / design review but are categorically exempt from environmental review (SEPA) or for which environmental review has been completed in connection with other project permits.
 - d. Fence Permit
 - e. Home Business Permit
 - f. Landmark / Historic preservation designations
 - g. Other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.
 - h. Public Assembly Permit
 - i. Shoreline Substantial Development Permit Exemption (SDPE)
 - j. Sign permits

k. Similar applications / permits as determined by the planning director / city planner.

4. Administrative / Quasi-Judicial Project Permits (RCW 36.70B) - refer to Table 14-1

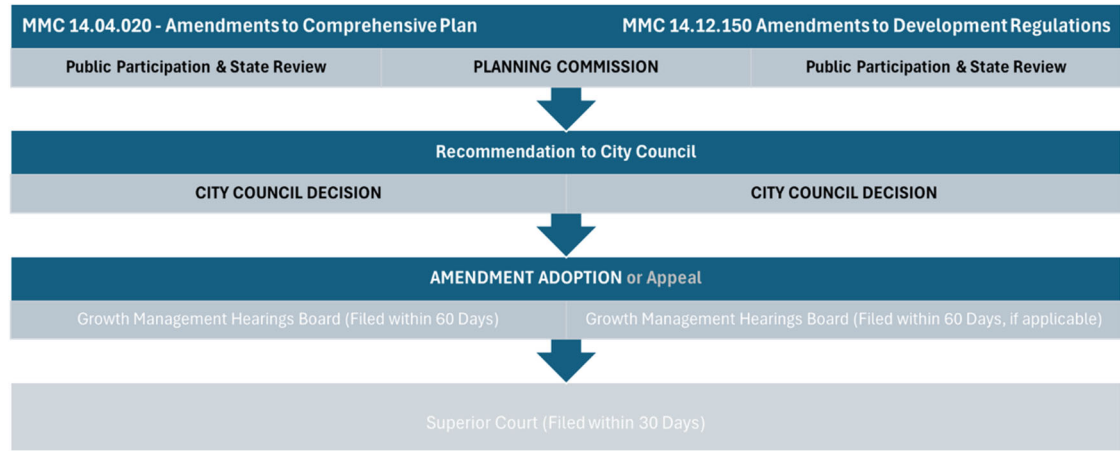
TABLE 14-1				
<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi-Judicial)</u>	<u>Type IV (Quasi-Judicial)</u>	<u>Type V (Quasi-Judicial)</u>
<u>Administrative Lot Split</u>	<u>Commercial, Grading, Residential & other building permits (SEPA review required)</u>	<u>Shoreline Conditional Use Permit</u>	<u>Conditional Use Permit</u>	<u>Zone Change / Property Rezone (individual properties)</u>
<u>Boundary Line Adjustments / Eliminations</u>	<u>Preliminary Binding Site Plan (BSP)</u>	<u>Shoreline Variance</u>	<u>Development Agreements (RCW 36.70B & WAC 365-196-845)</u>	
<u>Final Binding Site Plan / Record of Survey (ROS) Lot Finalization</u>	<u>Preliminary Short Subdivision (Preliminary Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>	<u>Variance</u>	<u>Preliminary Subdivision (Preliminary Plat) / Unit Lot Subdivision (10 or more lots)</u>	
<u>Final Short Subdivision (Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>	<u>Shoreline Substantial Development Permit (SDP)</u>			
<u>Site Plan Review *</u>				
<u>Temporary Use Permit</u>				
<u>Recommendation / Hearing Body **: N/A</u> <u>Decision: City Planner or Building Official, as applicable</u>	<u>Recommendation / Hearing Body **: N/A</u> <u>Decision: City Planner or Building Official, as applicable</u>	<u>Recommendation / Hearing Body **: Hearing Examiner</u> <u>Decision: Hearing Examiner</u>	<u>Recommendation / Hearing Body **: Planning Commission</u> <u>Decision: City Council</u>	<u>Recommendation / Hearing Body **: Planning Commission</u> <u>Decision: City Council</u>
<u>* Review will be expedited on project permit applications for projects that are consistent with adopted development regulations (including the adopted city bulk density standards contained in the city comprehensive plan) or that include dwelling units that are affordable to low-income or moderate-income households (RCW 36.70B.160).</u> <u>** Refer to MMC 14.12.025(B)(4).</u>				

5. Determination by Director. The planning director / city planner or designee shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

B. Review Process by Permit Type:

1. Legislative Applications

- a. A pre-application conference is required for Legislative applications, prior to application submittal. Legislative applications follow the review process identified below. Refer to the MMC referenced sections for specific information.
- b. Recommendations are made by the Planning Commission with decisions made by the City Council after completion of the WA State required sixty (60) day review (unless expedited review is requested and granted for amendments to development regulations).
- c. Appeals are made to the Growth Management Hearings Board (GMHB) and must be filed within 60 days. Subsequent appeals are made to Superior Court and must be filed within 30 days.



2. City Council Final Land Division Decisions - Refer to MMC Title 16 for review process and timeframes.

3. Ministerial Permits (Exempt) ^{1/2}

May have specific processing requirements identified in the MMC but do not require a determination of completeness, etc. Unless otherwise stated in the MMC, exempt ministerial permits should be approved or returned to the **applicant** for modification within twenty-one (21) days) from complete application submittal.

4. Administrative / Quasi-Judicial Project Permits (RCW 36.70B) ^{1/2} - refer to Table 14-2

TABLE 14-2	Type I (Administrative)	Type II (Administrative)	Type III (Quasi-Judicial)	Type IV (Quasi-Judicial)	Type V (Quasi-Judicial) ⁵
<u>Pre-Application Conference ³</u>	<u>Required ⁴</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Determination of Completeness</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Notice of Application</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>

TABLE 14-2	Type I (Administrative)	Type II (Administrative)	Type III (Quasi-Judicial)	Type IV (Quasi-Judicial)	Type V (Quasi-Judicial) ⁵
Notice of Hearing (Open Record)	N/A	N/A	Required	Required	Required
Hearing Body (Recommendation)	N/A	N/A	Hearing Examiner	Planning Commission	Planning Commission
Decision Body	City Planner or Building Official, as applicable ⁶	City Planner or Building Official, as applicable ⁶	Hearing Examiner	City Council	City Council
Notice of Decision	N/A	Required	Required	Required	Required
Administrative Appeal	MMC 14.12.140 (City Council)	MMC 14.12.140 (City Council)	Shoreline Only MMC 18.12.440 (City Council)	N/A	Growth Management Hearings Board (GMHB) - Filed within 60 Days
Shoreline Appeal	Shoreline Hearings Board (RCW 90.58.180)				
Judicial Appeal	Superior Court (RCW 36.70C - LUPA, Filed within 21 Days), as applicable Shorelines follow Shoreline Hearings Board authorization				Superior Court (Filed within 30 Days)

¹ Properties on the Millwood register of historic places that require a Certificate of Alteration or Certificate of Demolition shall follow procedures contained in MMC Chapter 15.22 with review and decision process integrated into project permit review process; however, timeline for review by the Historic Preservation Commission (HPC) shall not be included in review time periods under RCW 36.70B, as applicable.

² Projects identified as Essential Public Facilities (EPF) shall incorporate the review procedures under Chapter 17.48 - Essential Public Facilities with exemptions from the review time periods under RCW 36.70B for utilization of the Regional Siting Process (MMC Chapter 14.08), as applicable.

³ Pre-application public meeting / neighborhood meetings are separate from pre-application conferences and are optional for project permits. If conducted, a pre-application public meeting / neighborhood meeting shall not be included in review time periods under RCW 36.70B.

⁴ May be waived at the discretion of the planning director / city planner if it is determined that the proposal is relatively simple (e.g. has few, if any, development-related issues).

⁵ Requires amendment to the Comprehensive Plan Land Use Map for consistency.

⁶ Historic Preservation Commission (HPC) is the decision body for Alterations or Demolitions of Historic Structures that may be included in a project permit.

C. Administrative / Quasi-Judicial Review - Time Periods by Permit Type (consistent with RCW 36.70B) - refer to Table 14-3:

TABLE 14-3	Type I (Administrative)	Type II (Administrative)	Type III (Quasi- Judicial)	Type IV (Quasi- Judicial)	Type V (Quasi- Judicial)
Project permits NOT requiring public notice	<u>65 Days*</u>				
Project permits requiring public notice		<u>100 Days*</u>			
Project permits requiring public notice and a public hearing			<u>170 Days*</u>	<u>170 Days*/**</u>	<u>170 Days*</u>

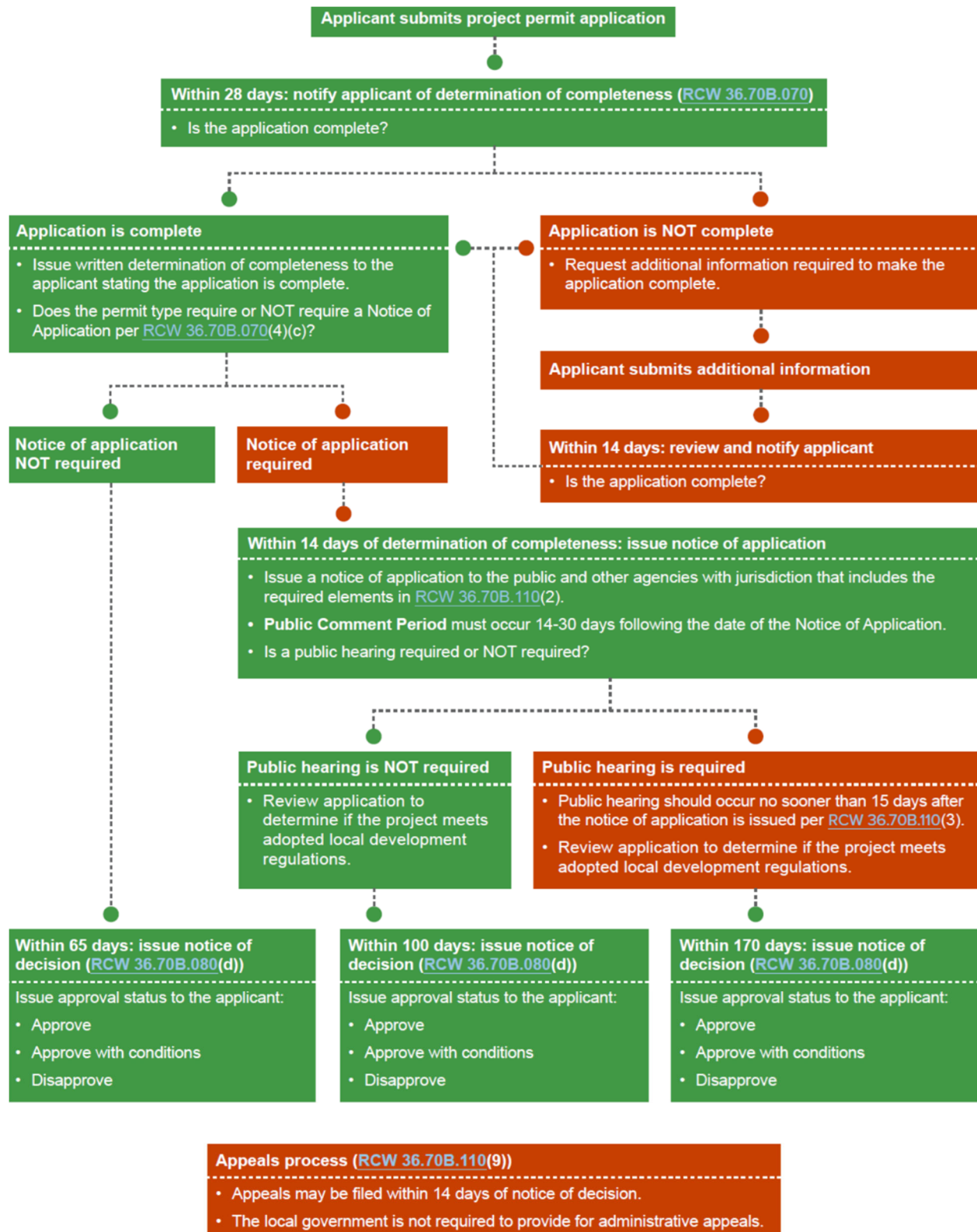
The number of days an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued on the project permit application based on calendar days.

* The review time period for a consolidated review of multiple project permits is the longest of the review time periods for the applications if reviewed individually. Additionally, per RCW 36.70B.080 the following times are excluded from the review time period:

- Any period between the day that the city has notified the applicant, in writing, that additional information is required to further process the application, an applicable fee must be paid, or a required notice must be posted, and the day when responsive information is resubmitted by the applicant, the fee is paid, or the notice is posted;
- Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. The city may set conditions for the temporary suspension of a permit application;
- Any period that the city has completed all possible work on the application but must wait for necessary action by a government entity subject to subsection (2) or (3) of RCW 36.70.080:
 - Any government entity other than a local government, special purpose district, or public utility district, that imposes a fee on an applicant for review of a project permit application, or a portion thereof, related to a residential project, and/or
 - When a local government requires a special purpose district's or public utility district's determination in order to complete review of a residential project permit application including approval of a preliminary plat or other land division.
- Any period during which a draft or final environmental impact statement is being prepared following a determination of significance under chapter 43.21C RCW;
- Any period between issuance of a final decision and the expiration of the applicable administrative appeal period;
- Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired; and/or
- Any reasonable period of additional time that the local government and applicant mutually agree to add to the review time period.

** Per RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from date of filing thereof unless the applicant consents to an extension of such time period or the 90 day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3); PROVIDED, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the city.

1. Administrative / Quasi-Judicial Review Timeline Schematic:



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2. Nothing prohibits a city from extending a deadline for issuing a decision for a specific project permit application for any reasonable and certain period of time specified and mutually agreed upon in writing by the applicant and the city.
 - a. If an applicant has agreed to extend the deadline for issuing a decision on a specific project permit application, then the provisions of RCW 36.70B.080, subsection (1), review time periods outlined in 14.12.025(C), do not apply to the review of the project permit application.
 - b. Such an extension may occur at any time prior to the denial of the project permit application or the exhaustion of the time period for review.
 - c. No local government may require or request an extension of an applicable deadline for issuance of a decision for a specific project permit application as a condition or an option at initial submission of a project permit application.
 3. Federal law governing wireless facilities imposes mandatory shot clocks (i.e. 30 days for review / 60 days for approval from filing of the application), Federal shot clocks are not measured from the date of completeness, as other permit types are, and have tolling mechanisms that differ from state law. Refer to 47 CFR § 1.6100(c).

14.12.030 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. If definitions are inconsistent with WA State Law, the RCW definition, as amended, shall apply.

"Administrative lot split" - Refer to MMC Title 16.

"Administrator" means the ~~clerk-treasurer~~planning director / city planner unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency. The Administrator is also the "Permit review / Project permit coordinator" as defined in this subsection.

"Aggrieved person" means person(s) who are adversely affected by the issuance of the permit, order, or final decision.

"Approved application" means an application that has completed review and been issued a final decision, but the applicant may not have paid final permit fees or obtained the permit.

"Binding site plan" - Refer to MMC Title 16.

"Boundary line adjustment / elimination" - Refer to MMC Title 16.

"Building permit" means a permit issued pursuant to the State Building Code as adopted in RCW Chapter 19.27.

"Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by RCW 36.70A.070(6)(b) must begin after full payment of all impact fees is due to the city.

"Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the hearing body, and the granting of a conditional use permit imposing such performance

standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the city ordinances specify the standards and criteria that shall be applied.

"Construction permit" means a permit for construction of infrastructure improvements. Used in RCW 36.70B.140; "construction plans" used in RCW 36.70B.080. A construction permit is a type of project permit.

"Day" means calendar day.

"Decision-maker" means the official or entity that makes a decision on a project permit application. In some cases this may also be the hearing body or hearing officer. Used in RCW 36.70B.120.

"Development agreement" means an agreement between the city council and developer through which the city council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

"Development regulations" means the controls placed on development or land use activities by a county or city including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

"Dwelling unit" means 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, and that is sold or rented separately from other dwelling units. "Affordable dwelling unit" means a dwelling that requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

"Environmental review" means review under the State Environmental Policy Act (Chapter 43.21C RCW). Used in RCW 36.70B.110(6).

"Final decision" means the final local government decision on an application, including the final decision on a local appeal, if any.

"Final plat/final short plat" means final drawing of the subdivision or dedication prepared for filing for record with the Spokane County auditor and containing those elements and requirements set forth in Title 16 and in local regulations adopted under Title 16.

"Hearing body (or hearing officer)" means the official or entity that conducts the public hearing required for a decision on a project permit application. Used in RCW 36.70B.120.

"Issued permit" means a permit for which an applicant has paid all fees, the permit document has been issued by the local government, and the time limit for the expiration of the permit has started to run.

"Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements (WAC 197-11-050 and 197-11-922).

"Local government" means a county, city, or town (City of Millwood).

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development (also refer to Affordable housing in Title 17, Appendix A).

"Ministerial" means an act that involves closely following instructions or laws instead of discretion, judgment, or skill. Approval of a building permit is generally considered a ministerial act, while most land use review involves some level of discretion.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.

"Permit review / Project permit coordinator" means the planning director / city planner or designee, who manages the combined application review and approval process covering all project permits for all or part of a project.

"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.

"Pre-application conference" means a meeting that is held before submitting a project permit application involving the applicant and a representative from each of the reviewers of the proposed project permit application, as applicable. The applicant provides an overview of their proposed project, either in person or in writing, and then, meeting participants ask clarifying questions and provide their insights into the procedural and substantive requirements for the project in order to brief the applicant on the types of permits required for their project and to improve the quality of the resulting application for the project.

"Pre-application public meeting / neighborhood meeting" means an optional informal meeting or workshop that is held by the city and the applicant for complex or potentially controversial projects before submitting a project permit application or prior to a public hearing on a project, in order to openly discuss a project with members of the public, for the applicant to obtain local knowledge about the project area, and to address neighborhood concerns.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements set forth in Title 16 and in RCW Chapter 58.17. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision for the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership..

"Preliminary short plat" means the map or representation of the preliminary short subdivision for the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, consistent with Title 16.

"Project action" (with respect to SEPA) means an agency decision "on a specific project, such as a construction or management activity located in a defined geographic area. (WAC 197-11-704)

"Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to short subdivisions, building permits that require a public hearing, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically included in this subsection.

"Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection (RCW 36.70B.020). "Project permit" or "project permit application" does not include permits issued based on compliance with state and local building codes, or a special purpose district's or public utility district's determination of service availability, system capacity, infrastructure requirements, or review of proposed water, sewer, or stormwater civil plans.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

"Quasi-judicial" means a process determining the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

"Review time period" means the time allowed for review of a permit application established pursuant to RCW 36.70B.080.

"Shoreline permit" means a shoreline substantial development permit, shoreline variance permit, shoreline conditional use permit, or revision authorized under Chapter 90.58 RCW, but not including a shoreline letter of exemption.

"Unit lot subdivision" - Refer to MMC Title 16.

"Variance." A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

(Ord. 271 § 3, 1996)

14.12.040 Scope of review.

- A. Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of application regulations the adopted comprehensive plan, under Section 14.12.050 shall incorporate the determinations under this section.
- B. During project review, the administrator or any subsequent reviewing body shall determine whether the items listed in subsection A of Section 14.12.050 are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted comprehensive plan.
- C. The administrator may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply, and shall not impose additional mitigation under Chapter 43.21C.

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- D. Nothing in this section limits the authority of the city to approve, condition or deny a project as provided in its development regulations and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees consistent with RCW Chapters 82.02.050 through 82.02.100 and RCW 36.70A.681 for ADUs, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable. Land use planning decisions shall not be made during the review of a project.
- E. ~~Upon request or as determined necessary, the planning commission shall interpret the meaning or application of the provisions of said titles where there is a dispute between the administrative officials of the city and any permit applicant. A written administrative interpretation shall be issued within twenty (20) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Administrative appeals shall be made in conformance with MMC 14.12.140.~~
- F. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property, consistent with RCW 36.70A.370.

(Ord. 271 § 4, 1996)

14.12.045 Concurrency

- A. The city must review for concurrency and prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include:
1. Active transportation facility improvements
 2. Increased or enhanced public transportation service
 3. Ride-sharing programs
 4. Demand management
 5. Other transportation systems management strategies.
- B. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development. Refer to MMC Section 17.38.005(J) for Level of Service under General Provisions and Title 16 for bond requirements.
- C. Highways of statewide significance (HSS) are exempt from the concurrency requirements per RCW 36.70A.070(6)(a)(iii)(C).

14.12.050 Project consistency.

- A. A proposed project's consistency with development regulations or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under RCW Chapter 36.70A, shall be determined by consideration of:

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1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional and special uses, if the criteria for their approval have been satisfied;
 2. The maximum density of residential development, such as units per acre / square feet, per the adopted bulk density standards in the comprehensive plan;
 3. Availability and adequacy of infrastructure, including public facilities and services needed to serve the development, per adopted concurrency and level of service standards; and
 4. The ~~character of the development, such as~~ development regulations and development standards.
- B. During project review, the city shall not reexamine alternatives or hear appeals from determinations made pursuant to subsection A of this section.
- C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and RCW Chapter 36.70A to refer to performance in accordance with this chapter and RCW Chapter 36.70A, including but not limited to compliance, conformity and consistency.
- D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsection A of this section.

(Ord. 271 § 5, 1996)

14.12.055 Pre-Application Conference, Pre-Application Public Meeting / Neighborhood Meeting, and Application Intake

A. Pre-Application Conference

1. Prior to application submittal, a pre-application conference may be scheduled by the city, in accordance with 14.12.025(B), to meet with the applicant(s), their design team, and representatives from each agency that will be reviewing the proposed application, as applicable.
2. Pre-application conferences will be scheduled to be held within twenty-one (21) days of receiving a completed pre-application conference form with required attachments and distributed to invitees via email or equivalent electronic communication method.
3. The pre-application conference will allow for the applicant to provide an overview of their proposed project, either in person or in writing, and then, meeting participants may ask clarifying questions and provide their insights into the procedural and substantive requirements for the project in order to brief the applicant on the types of permits required for their project and to improve the quality of the resulting application for the project.

B. Pre-Application Public Meeting / Neighborhood Meeting

1. Pre-application public meetings / neighborhood meetings are an optional informal meeting or workshop that is held by the city and the applicant for complex or potentially controversial projects before submitting a project permit application or prior to a public hearing on a project
2. The city will advertise the optional meeting / workshop via the city website, posting on designated city public notice boards, and distributed via email or equivalent electronic communication method to citizens and neighborhood groups on the public notice list, as applicable. An on-site sign posting may also be provided for notice.

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3. The purpose of the optional meeting / workshop is to openly discuss a project with members of the public, for the applicant to obtain local knowledge about the project area, and to address neighborhood concerns.

C. Application Intake

1. When an application packet and applicable fees are submitted, city staff shall review the application packet to ensure it meets the basic submittal requirements, prior to accepting the application. An intake meeting may be scheduled for application packet submittal, at the option of the applicant or submittal may be completed electronically.
2. If the application packet is incomplete at intake or payment of applicable fees is not provided:
 - a. City staff should advise the applicant of the application's deficiencies and recommend they provide the additional information before submitting, and/or
 - b. The city shall accept the incomplete application packet and respond with a letter/email documenting its incompleteness within 28 days (refer to DOC).

14.12.060 Agent for the Applicant and City Permit Review / Project Permit Coordinator.

1. The administrator may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.
2. The city shall designate a permit responsible official for project permit applications related to a residential project. The administrator (planning director / city planner or designee) shall be the "Permit review / Project permit coordinator" for the city, who manages the combined application review and approval process covering all project permits for all or part of a project.
 - a. This official has the authority to make all final administrative decisions on project permit applications related to residential projects consistent with the procedural requirements of this chapter.
 - b. If the city is also the lead agency responsible for the environmental analysis and procedural requirements under chapter 43.21C RCW for the residential project, then the permit responsible official must be designated as the responsible official under that chapter.
 - c. The city shall designate, for each project permit application, a single point of contact, which may be a designated official, position, office, or functional unit of the local government and may be identified by a publicly available telephone number or electronic mail address for purposes of applicant communication.
 - d. The designation may vary by application.
 - e. The designated official, position, office, or functional unit must coordinate with other departments and with other agencies or government entities with permit review responsibilities as necessary to ensure that a final decision on project permit applications is issued within the applicable timeline under RCW 36.70B.080.
 - f. The designation of a single point of contact does not confer independent final decision-making authority unless otherwise provided under 14.12.025.

14.12.060-070 ~~Complete application~~ Determination of Completeness (DOC).

- A. Within twenty-eight (28) days after receiving a project permit application, the administrator shall email, mail, or provide in person a written determination to the applicant, stating either:

1. That the application is procedurally complete; or
2. That the application is procedurally incomplete and what is necessary to make the application complete.

To the extent known by the administrator, ~~she~~they shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application. Additionally, it should be noted whether a Notice of Application (NOA) will be required as well as a public hearing, if applicable.

- B. A project permit application is procedurally complete for purposes of this section when it meets the city's procedural submission requirements, as outlined on the project permit application and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. A determination of procedural completeness is not a substantive review of the application and shall not be conditioned on the adequacy, accuracy, or sufficiency of the information submitted. The determination of completeness shall not preclude the administrator from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur; however, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination..
- C. The determination of completeness may include or be combined with the following as optional information:
 1. A preliminary determination of those development regulations that will be used for project mitigation; or
 2. A preliminary determination of consistency, as provided under Section 14.12.050 and RCW 36.70B.040; or
 3. Other appropriate information-; or
 4. The notice of application pursuant to the requirements in RCW 36.70B.110.
- D. An application shall be deemed procedurally complete on the 29th day after receiving a project permit application if the administrator does not provide to the applicant a written determination that the application is incomplete as provided in subsection A of this section.
- E. Within fourteen (14) days after an applicant has submitted additional information identified as being necessary for a complete application, the administrator shall notify the applicant whether the application is complete or request additional information necessary for a complete application.
- F. The notice of application shall be provided within 14 days after the determination of procedural completeness pursuant to RCW 36.70B.110 (refer to section 14.12.080).

(Ord. 271 § 6, 1996)

~~14.12.070 Agent.~~

~~The administrator may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.~~

~~(Ord. 271 § 7, 1996)~~

14.12.080 Notice of ~~application~~Application (NOA).

- A. The administrator shall provide a notice of application to the public, ~~and the city~~ departments, ~~and~~ agencies with jurisdiction, ~~and tribal nations, as applicable and~~ as provided in this section ~~per RCW 36.70A and per Section 14.12.100~~. If the responsible official has made a determination of significance under RCW Chapter 43.21C concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- B. The notice of application shall be provided within fourteen (14) days after the determination of completeness as provided in Section 14.12.~~060-025~~ and include the following in whatever sequence or format the local government deems appropriate:
1. The date of application;
 2. ~~¶~~The date of the ~~notice determination of completeness of completion~~ for the application, ~~and~~
 3. ~~¶~~The date of the notice of application;
 24. A description of the proposed project action ~~and~~
 5. ~~a-A~~ list of the project permits included in the application ~~and, if applicable,~~
 6. ~~a-A~~ list of any studies requested under Section 14.12.~~060-070 (DOC) / RCW 36.70B.070, if applicable or Section 14.12.120;~~
 37. The identification of other permits not included in the application to the extent known;
 48. The identification of existing environmental documents that evaluate the proposed project, ~~and~~
 9. ~~¶~~The location ~~(in person or online)~~ where the application and any studies can be reviewed;
 510. A statement of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application ~~(the city's default comment period shall be 14 days in order to meet project permit decision timelines)~~.
~~The administrator may accept comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit;~~
 611. Statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 712. ~~A notice of public hearing may also be~~ issued concurrently with a notice of application which states ~~the~~The date, time, place, and type of hearing, if applicable, ~~and scheduled at the date of the notice of application~~
 813. ~~A Statements-statement~~ of the ~~preliminary SEPA threshold~~ determination, ~~of significance and scoping if that determination if one~~ has been made at the time of notice, of those development regulations that will be used for project mitigation, and of consistency as provided in Section 14.12.050 ~~(RCW 36.70B.030, subsection 2 and RCW 36.70B.040); and~~
 914. Any other ~~appropriate~~ information: ~~determined appropriate by the city, including project address, parcel number, and identification of location by section, township, and range for tribal nations, and inclusion of Optional DNS process provisions per WAC 197-11-355, as applicable~~
- C. The notice of application shall be provided at least fifteen (15) days prior to the open record hearing, ~~if applicable~~.

- D. The administrator shall use reasonable methods to give the notice of application to the public, city departments, and agencies with jurisdiction, and tribal nations, as applicable and may use its existing notice procedures identified within the MMC. The administrator may use different types of notice for different categories of project permits or types of project actions. If not otherwise specified in the MMC, the administrator shall use the methods provided below in Table 14-4, for in subdivisions 1 and 2 of this subsection. Examples of reasonable methods to inform the public are each applicable permit type:

TABLE 14-4: Notice Provisions	Type II (Administrative)	Type III (Quasi-Judicial)	Type IV (Quasi-Judicial)	Type V (Quasi-Judicial)
<u>Posting the property for site-specific proposals at the property line abutting the closest public sidewalk or roadway.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Posting on the designated public notice boards within the city.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Posting notice on the city website</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>
<u>Providing notice via email or equivalent electronic communication method to city departments, agencies with jurisdiction, and tribal nations (via mail and email), as applicable</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Providing notice via email or equivalent electronic communication method to citizens and neighborhood groups on the public notice list.</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>
<u>Mailing notice to owners of all properties within 250 feet of the boundary of the subject site by U.S. first class mail *.</u>	<u>Required</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>
<u>Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the full notice of application and complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>* A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable city notification instructions, for each of the identified properties along with completed certification forms contained in the applicable city notification instructions, must be submitted as part of the application packet when notice mailing is required for the project permit type.</u>				

1. Posting the property for site-specific proposals;
2. Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located;
3. Posting of at least three public notice boards within the city;
4. Notifying owners of all adjoining or abutting property by U.S. first-class mail.

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- E. A notice of application shall not be required for project permits that are categorically exempt under RCW Chapter 43.21C, unless a public comment period or an open record pre-decision hearing is required.

(Ord. 271 § 8, 1996)

14.12.090 Permit review procedures.

- A. All project permits ~~and project permit applications, except zone changes, plats, street vacations, and boundary line adjustments~~ shall be processed and reviewed in the following manner compliance with this title and other applicable MMC sections, upon receipt of a completed application:
1. ~~For an application requiring action by the town council or which is illegal, the application shall be denied or processed in accord with subsection B of this section.~~
 2. ~~Depending upon the scope of the project, the town will schedule necessary public meetings to coordinate the permit process and gather information following appropriate notification as provided in Section 14.12.080.~~
 3. ~~Unless otherwise required, no open record hearing will be held unless there is a bona fide objection to some portion of the permit or from some determination made during the course of the permit processing. When required, only one open record hearing will be held. The open record hearing will be before the body having jurisdiction over the matter in dispute or over the matter requiring the open record hearing. If the matter disputed or for which an open record hearing is required falls within the jurisdiction of more than one department or agency, a joint hearing will be held, if practical.~~
 4. ~~A decision or joint decision if possible, shall be issued and notice given thereof, the time for appeal and the person or body to whom the appeal must be made. Unless another time is provided, an appeal must be filed within ten days of the decision. The longest appeal period following a joint hearing controls if there are multiple appeal periods.~~
 5. ~~The body or bodies with appellate jurisdiction shall hold a joint closed record appeal. An open record appeal may be held for matters for which no open record hearing has previously been held. The decision of the person or bodies hearing the appeal may be joint or separate. Every effort shall be made in the event of separate decisions to ensure that they are issued simultaneously. Any review of the decision or decisions must be made to the superior court within twenty one (21) days.~~
- B. ~~If the decision on an application must be made by the town council, the application will normally be denied until council approval has been obtained. An applicant may request combined processing in accordance with subsection A of this section this title.~~
- C. The application fee as well as actual costs of any public notice, hearing, or appeal ~~not otherwise required~~ will be borne by the person requesting the review (project applicant) or objecting to a decision, as applicable. Security for the costs must be posted prior to the setting ~~or the~~ notice of hearing or appeal, per Chapter 14.16. The failure to post security is a waiver of any objection. Project application fees, as set forth by resolution of the city council, shall be submitted at time of application or prior to issuance of a decision, as determined by the planning director/ city planner for each application, permit, or review type, consistent with Chapter 14.16.
- D. The city can offer to meet with an applicant to attempt to resolve outstanding issues during the review process based on review of the entire application. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and the

city proceeds with a third request for additional information or corrections based on the entire application, the city must approve or deny the application upon receiving the additional information or corrections; alternatively, if denial is anticipated, the city can offer a voluntary process for the applicant to waive the timeline obligation to continue the revision-and-review process.

(Ord. 271 § 9, 1996)

(Ord. No. 385, § 3, 11-2-2009)

14.12.100 Integration of environmental review with permit review.

The administrator shall integrate the permit review procedures in ~~Section 14.12.090~~this title with environmental review under RCW Chapter 43.21C as follows:

- A. Except for a determination of significance, the administrator may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
- B. If an open record pre-decision hearing is required and the threshold determination requires public notice under RCW Chapter 43.21C and MMC Chapter 18.04, the administrator shall issue its threshold determination at least fifteen (15) days prior to the open record pre-decision hearing.
- ~~C. If a determination of non-significance or mitigated determination of non-significance is made, it shall be included with or appended to the single report of recommendation or decision.~~
- ~~D. Per MMC 18.04.210 (WAC 197-11-680) and 18.04.230 Appeals (WAC 173-806-170), the city does not have provision for SEPA appeals to a local legislative body nor agency administrative appeals. SEPA appeals are judicial appeals only and if there is a time limit established for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period for judicial appeals (designated as 21 days). The notice shall contain the statement that an appeal of the threshold determination may be made at the open record pre-decision hearing.~~

Official notice of the date and place for commencing an appeal must be given if there is a time limit established for commencing an appeal of the underlying governmental action.

1. The notice shall include:

- a. The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the MMC section establishing the time limit; and
- b. Where an appeal may be filed.

2. Notice is given by:

- a. Delivery of written notice to the applicant, all parties to any administrative appeal of the underlying government action, and all persons who have requested notice of decisions with respect to the particular proposal in question; and
- b. Following the city's normal methods of notice for the type of governmental action taken.

3. Written notice containing the information required by this subsection may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

Official notices required by this subsection shall not be given prior to final agency action and should be included in the Notice of Decision for the project permit.

~~C. Comments shall be as specific as possible.~~

~~D. If a determination of non-significance is made, it shall be included with or appended to the single report of recommendation or decision.~~

(Ord. 271 § 10, 1996)

14.12.105 Technical Review Meeting.

- ~~A. Prior to holding a public hearing or issuing a notice of decision, the applicant may request that a technical review meeting be scheduled by the city to meet with the applicant(s), their design team, and representatives from each agency that reviewed the proposed application, as applicable.~~
- ~~1. The optional technical review meeting will allow for the city and reviewing agencies to discuss their review comments and proposed draft conditions of approval with the applicant, providing for the opportunity to modify review comments and/or proposed draft conditions of approval based on information or clarification from the applicant.~~
 - ~~2. The optional technical review meeting would need to be held prior to the deadline for staff report submittal to the hearing body in order for agreed upon modifications to be incorporated into the project and referenced in the staff report.~~
 - ~~3. Notice of the optional technical review meeting should be distributed to invitees via email or equivalent electronic communication method.~~
 - ~~4. Any timeline associated with scheduling or holding the optional technical review meeting would be exempted from the project permit processing deadlines based on the meeting being mutually agreed upon in writing by the applicant and the city.~~

14.12.110 Public hearings.

- ~~A. For project permit types that require a public hearing per 14.12.025, a Notice of Public Hearing (NOH) which states the date, time, place, and type of hearing in addition to the information required for a notice of application, must be issued in the same manner as a notice of application per 14.12.080 and within the timeframe outlined in this chapter, providing a minimum of a fifteen (15) day notice. A notice of hearing may be issued concurrently with a notice of application.~~
- ~~B. Any city open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW 36.70B.110. The administrator may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the city.~~ Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in Section 14.12.120-025 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.
- ~~BC.~~ The administrator shall cooperate to the fullest extent possible with other agencies in holding a joint hearing if requested to do so, as long as:
1. The agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 3. The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the city's hearing.

~~CD.~~ Except for the appeal of a determination of significance as provided in RCW 43.21C.075, the process for review of a project permit application may allow for no more than one open-record hearing and one closed-record appeal, as outlined in 14.12.020 and 14.12.100. The city shall hold no more than one open record hearing, and no more than one closed record appeal, with the exception of a determination of significance appeal hearing.

~~DE.~~ The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

F. Types of Public Hearings (Table 14-5)

TABLE 14-5	Open-Record	Closed-Record
Pre-Decision	<u>A typical public hearing, for the purpose of soliciting input prior to a decision on the application. Only one such hearing is allowed per project permit application.</u>	<u>N/A</u>
Post-Decision	<u>An open-record appeal hearing is held after the permit decision when no open record pre-decision hearing was held on the application. New evidence may be submitted to build the record.</u>	<u>An appeal hearing on a permit, where an open-record hearing has already been held. Arguments are heard based on the existing record. No or limited new evidence or information is allowed. Only one such hearing is allowed per project permit application.</u>

(Ord. 271 § 11, 1996; Ord. No. 470, § 2, 1-13-2015)

14.12.115 Public Comments

- A. The administrator may accept comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit
- B. Public comments submitted to the city must include the following in an 8.5"x11" or smaller format, or be submitted via the city website:
1. Full name and address
 2. Email address (if any)
 3. Project permit number / project name that is the subject of the comments
 4. Comments must be as specific as possible

14.12.120 Final decisions

- A. The decision makers on projects are outlined in 14.12.025.
- B. The decision maker shall prepare findings of fact, conclusions, and conditions of approval, as applicable, for their decision on a project permit application.
- C. For Quasi-Judicial decisions made by the city council after an open record pre-decision public hearing, the city council shall consider the recommendation of the hearing body at a public meeting where they may adopt or reject the recommendations of the hearing body based on the record established at the

open record public hearing. If after considering the matter at the closed record public meeting, the city council deems a change in the hearing body's recommendation approving or disapproving the application is necessary, the city council shall adopt its own written findings and approve or disapprove the application.

- D. A special meeting of the hearing body and/or the city council may need to be held in order to meet the deadline for review in accordance with 14.12.025.

14.12.130 Notice of Decision (NOD).

- A. After a decision on a project permit application has been made, the city must issue a notice of decision for any application that also required a notice of application, per the requirements outlined in this chapter and the timelines identified in 14.12.025(C) for Administrative / Quasi-Judicial Review Timelines.
- B. Per RCW 36.70B.130, the notice of decision shall contain the following:
1. A statement of the SEPA threshold determination made under chapter 43.21 RCW, as applicable;
 2. The procedures for administrative appeal (14.12.140), if any; and
 3. A notice that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation
- C. Per RCW 36.70B.130, the notice of decision shall be distributed by the city to:
1. The applicant;
 2. Any person who, prior to the rendering of the decision, requested notice of the decision;
 3. Any person who, prior to the rendering of the decision, submitted substantive comments on the application;
 4. The county assessor's office
- D. The notice of decision shall be distributed by the city via email or equivalent electronic communication method with a notice of decision provided by first class mail, when email is not available. The notice shall also be posted on the city website, whenever possible.
- ~~A. Except as otherwise provided in subsection B of this section, the administrator shall issue the notice of final decision on a project permit application within one hundred twenty (120) days after it notifies the applicant that the application is complete, as provided in Section 14.12.080. In determining the number of days that have elapsed after the administrator has notified the applicant that the application is complete, the following periods shall be excluded:~~
- ~~1. a. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. Within fourteen (14) days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;~~
 - ~~b. If the administrator determines that the information submitted by the applicant under subdivision (1)(a) of this subsection is insufficient, he shall notify the applicant of the deficiencies and the procedures under subdivision (1)(a) of this subsection shall apply as if a new request for studies had been made;~~
 - ~~2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW Chapter 43.21C;~~

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- ~~3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for considering and deciding shall not exceed:~~
- ~~a. Ninety (90) days for an open record appeal hearing; and~~
- ~~b. Sixty (60) days for a closed record appeal.~~
- ~~The parties to an appeal may agree to extend these time periods;~~
- ~~4. Any time required for the administrative appeal of a determination of significance; and~~
- ~~5. Any extension of time mutually agreed upon by the applicant and the administrator.~~
- ~~B. The time limits established by subsection A of this section do not apply if a project permit application:~~
- ~~1. Requires siting an essential public facility as provided in RCW 36.70A.200; or~~
- ~~2. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Section 14.12.050; or~~
- ~~3. Requires an amendment to the comprehensive plan or a development regulation.~~
- ~~4. Has more limited timing for a decision identified in specific application procedure.~~
- ~~C. If the administrator is unable to issue the final decision within the time limits provided for in this section, he shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.~~
- D. Per RCW 36.70C.040(4), the date on which the final decision is issued is:
1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;
- a. When the city issues a decision via email to the applicant, the date the decision is emailed to the applicant and distributed to other applicable parties shall be the date issued.
2. If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
3. If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.
- E. The date an application is considered an approved application, as defined in this title, shall be the date the final decision is issued. For project permits that require a separate permit, the permit shall not be issued until issuance of the final decision is completed and any requirements for an issued permit, as defined in this title, are met. Permits shall contain any inspections necessary to meeting city development regulation requirements or to ensure compliance with applicable conditions of approval.
- ~~of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the council or hearing body takes action on the motion, resolution or ordinance.~~

(Ord. 271 § 12, 1996)

(Ord. No. 385, § 4, 11-2-2009)

14.12.130 Notice of final decision.

- A. ~~A notice of decision shall be provided by first class mail to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.~~
- B. ~~The notice of decision shall be provided within ten days of the city council decision, and include:~~
- ~~1. The decision made by the city council;~~
 - ~~2. A statement of any threshold determination made pursuant to RCW Chapter 43.21C; and~~
 - ~~3. Procedures for administrative appeal.~~

~~(Ord. 271 § 13, 1996)~~

14.12.140 Administrative appeals.

- A. Parties with standing may appeal a decision by filing an administrative appeal application on a form provided by the city along any applicable attachments and an appeal fee. The following parties have standing to file an administrative appeal:
1. The applicant
 2. The permitting department
 3. Persons aggrieved by the decision
 4. Persons or agencies who commented on the application prior to decision, also known as parties of record.
- B. ~~An appeal of the administrator's decision, shall be filed with the city clerk with the city council within fourteen (14) days after issuance of the decision the notice of the decision or after other notice that the decision has been made and may be appealed. If a DNS with a public comment period is issued as part of the appealable project permit decision, the appeal period shall be extended for an additional seven days. Appeal procedures for project permits that incorporate SEPA are outlined in 14.12.100, subsection D.~~
- ~~BC.~~ The appellate bodies for Administrative / Quasi-Judicial Project Permits are outlined in 14.12.025, subsection B(4).
1. State law allows only a single closed-record appeal for each project permit application, where the hearing officer or hearing body receives arguments based on the existing record. No or limited new evidence or information is allowed.
 2. If the application review process didn't include an open-record pre-decision hearing, then an open-record appeal hearing may be allowed.
 3. If an appellate body is not specified for the action being appealed, then the appeal shall be heard by the city council in accordance with the provisions of this section.
- D. The city shall give official notice stating the date, time, and place where the administrative appeal will be heard. Official notice shall consist of mailing or emailing notice to the appellant(s) and posting the notice at three public notice boards within the city as well as on the city website, whenever possible. The official notice shall also contain:

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1. A statement that the appeal issues shall be limited to those expressly raised in the written appeal.
 2. A statement that the appeal will be on the record with no new evidence allowed unless specifically requested by the appellate body. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal.
 3. For closed record appeals, a statement that this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument or oral comment.
 4. A statement that the city will allow the Administrator 10 minutes, then the Applicant 10 minutes, and then the Appellant 10 minutes to present argument through a designated spokesperson or representative. The Administrator and the Applicant will then each have a 5-minute rebuttal opportunity. Parties of record may file written arguments prior to the hearing and may present oral arguments at the hearing.
 5. A statement on the timeline for the appellate body to render a decision per 14.12.140, subsection F, along with a reference to the judicial appeal option.

E. Standard of review.

1. The appellate body may affirm, modify, remand, or reverse the decision being appealed. In considering the appeal, the appellate body must act in a manner that is consistent with the criteria for the appropriate category of action being appealed.
2. The decision being appealed is presumptively correct. The burden of persuasion is upon the appellant to show that the original decision was in error and the relief sought in the appeal should be granted.
3. If the findings of fact upon which the original decision was based are supported by substantial evidence, the appellate body must accept those findings. If not, the appellate body may modify one or more of the findings as warranted by the evidence, or substitute its own findings, citing the evidence found that supports the substitute findings.
4. If there is not substantial evidence to support the findings upon which the original decision is based, the decision may be reversed. The appellate body must substitute its own findings and support them with substantial evidence.
5. If the original decision is not fully supported by the findings, the appellate body may:
 - a. Examine the evidence to determine whether additional findings could be supported, make those additional findings, and then review the original decision;
 - b. Examine the evidence to determine whether additional findings could be supported, and if so, remand the matter for further findings and reconsideration in light of such findings; or
 - c. Make such decision as is supported by the findings.
6. If, in the judgment of the appellate body, a party can provide new evidence not available at the time of the original decision that would more likely than not change the decision, the appellate body may remand the matter for reconsideration in light of the new evidence.
7. If a substantial procedural error has taken place that has adversely affected the rights of an appellant, the appellate body may remand the matter for further proceedings consistent with that finding.

F. The time period for the appellate body to consider and decide on an administrative appeal shall not exceed:

1. Ninety (90) days for an open record appeal hearing; and

2. Sixty (60) days for a closed record appeal.

G. Before a judicial appeal, per 14.12.160 can be filed for decisions involving Titles 14, 15, 16, 17, and 18 of this code, the appellant must exhaust their administrative remedies by filing an administrative appeal at the local government level, if the local government offers such an appeal. Decisions of the planning director / city planner, as outlined in this title and decisions by the building official, as outlined in Title 15, are subject to administrative appeal.

H. Appeals of code enforcement actions not related to a project permit where the provisions of MMC Chapter 8.14 were utilized, may follow the appeal process outlined in MMC Chapter 8.14, as determined by the planning director. Additionally, in accordance with MMC 15.04.070, the appeal of any decision, order or determination of the building official shall be made in conformance with MMC 14.12.140; however, if a final decision is made by another entity on behalf of the City of Millwood based on an Interlocal Agreement or services contract that is in effect, an appeal would follow that entity's decision appeal process.

~~Appeals of the final decision of the city council involving Titles 15, 16, 17 and 18 of this code, for which all other authorized appeals have been timely exhausted, shall be made to Spokane County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.~~

~~C. The city shall give official notice stating the date and place for commencing an appeal of procedural issues and of substantive determinations made under Ordinance 147 (SEPA). Official notice shall consist of publishing the notice in a newspaper of general circulation and posting the notice at three public notice boards within the city. Appeals shall be made within twenty-one (21) days of the date the notice is published in the newspaper.~~

(Ord. 271 § 14, 1996)

14.12.150 Amendments to development regulations.

~~A. Any property owner(s) or their representatives; any citizen, agency, neighborhood association, or other party; or the department, planning commission, or city council may suggest amendments to Any citizen of Millwood and staff members of Spokane County, Washington State, or federal agencies may suggest amendments to Millwood's development regulations, as defined in this Title, including Ordinance 46 (zoning), Ordinance 52 (uniform building codes), Ordinance 147 (SEPA), Ordinance 270 (shoreline), Ordinance 226 (subdivision), Ordinance 236 (critical areas), and amendments to these ordinances, as well as any future development regulations. The suggested amendments shall be reviewed during a public hearing by the planning commission.~~

1. The suggested amendments shall be in writing with a qualifying statement(s) that explains how the amendments would increase public health, welfare, and safety, and/or be in any other way beneficial to the public.

2. Applications shall be made on forms provided by the city.

3. Amendments to development regulations require at least one open record public hearing before the planning commission. After receiving the planning commission's written recommendation on proposed amendments, the city council may conduct one or more hearings on proposed amendments.

B. The planning commission shall base its recommendations to the city council on the following criteria:

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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.
- C. The city council shall, after an examination of the planning commission's recommendation and reasons therefor:
1. Affirm the suggested amendment, requesting that ~~it~~ an ordinance be written by the appropriate department and presented for adoption at the following council meeting;
 2. Affirm the suggested amendment, as revised by the council, following the criteria set forth in subsection B of this section, requesting that ~~it~~ an ordinance be written by the appropriate department and presented for adoption at the following council meeting;
 3. Disallow the suggested amendment.
- D. Notice for the public hearings shall be made at a minimum of ten days prior to the public hearings by posting the notice at three public notice boards within the city, and publishing the notice in a newspaper of general circulation. Notice should also be emailed to the public notice group and posted on the city website, if possible. The notice shall briefly describe the amendments to be considered along with information required under 14.04.020, subsection B, as applicable.
- E. Amendments of development regulations that are associated with amendments of the comprehensive plan shall be subject to the rules contained in section 14.04.020.
- F. Transmittal to the state of Washington. At least sixty (60) days prior to final action being taken by the city council, the Washington State Department of Commerce (WSDC) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to WSDC.

(Ord. 271 § 15, 1996)

(Ord. No. 458, § 1, 3-11-2014)

14.12.160 Judicial review of land use decisions.

The city adopts the process for judicial review of land use decisions as provided for in RCW Chapter 36.70C (LUPA) and RCW 43.21C.075. A land use petition must be timely filed and timely served within 21 days of the issuance of the land use decision per 14.12.130, subsection D, unless another time period is established by state law.

(Ord. 271 § 16, 1996)

Chapter 14.16 LAND USE DEVELOPMENT PROPOSALS EVALUATION AND PROCESSING FEES

14.16.010 Scope.

This chapter applies to all land use and development proposals within the city, including, without limitation:

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- A. Applications for building or other related permits;
 - B. Short subdivision and subdivision applications and amendments thereto;
 - C. Site plan applications;
 - D. Applications involving permits required by the Shoreline Management Act (RCW Chapter 90.58);
 - E. Rezones and amendments to the zoning code or zoning map;
 - F. Comprehensive plan amendments;
 - G. Design review;
 - H. Review required by the State Environmental Act of 1971 (RCW Chapter 43.21c);
 - I. Annexations; and
 - J. Any and all other types and forms of city permission requested by any person, organization or agency relating to land development or use, whether such permission be in the form of a license, permit, certificate, ap-proval or other written form.

(Ord. 205 § 1, 1991)

14.16.020 Intention.

This chapter is intended to supplement the fees required by any and all other city ordinances and resolutions, or any other applicable laws, and the requirements of this chapter are in addition thereto. This chapter is not intended to create any new or additional substantive requirements or burdens on land use or development.

(Ord. 205 § 7, 1991)

14.16.030 Applicability.

This chapter applies to all written applications within the scope of this chapter which are filed with the city after the ordinance codified in this chapter becomes effective. The ordinance codified in this chapter shall be effective upon passage and publication.

(Ord. 205 § 9, 1991)

14.16.040 Fees imposed.

- A. Fees are imposed upon all proposals within the scope of this chapter. Such fees (hereinafter referred to as "fees") consist of application fees, hourly fees, and consultant fees.
- B. Application fees shall be as set forth by resolution of the city council.
- C. Hourly fees are intended to compensate the city for city staff time, administrative costs and overhead incurred by the city in connection with a particular proposal. Hourly fees shall be based upon the amount of time expended by the city staff. Hourly fees shall equal the number of hours devoted by the city staff to a particular proposal multiplied by the hourly wage paid by the city to that staff person.
- ~~E~~D. Consultant fees are intended to compensate the city for the cost of all consultant costs incurred by the city in connection with any proposal within the scope of this chapter. As used in this chapter, the word "consultant" means any person providing professional services who is not an employee of the city. As used in this chapter, the term consultant includes, without limitation, the city attorney and the city

engineer. Consultant fees include all professional services deemed necessary by the city, including, without limitation, planning, environmental, legal, financial and accounting, ~~and~~ engineering, and hearing examiner fees. Consultant fees equal the total cost of all consultants utilized by the city in connection with the processing and review of a particular proposal.

(Ord. 205 § 2, 1991)

14.16.050 Time and manner of payment of fees.

Fees required pursuant to this chapter shall be paid as follows. Following receipt of an application relating to any proposal within the scope of this chapter, the city clerk-treasurer, or designee, shall send a written notice to the applicant stating the amount of the initial deposit required. The amount of the initial deposit shall equal the total estimated amount of fees required for the processing of such proposal. The applicant shall then deposit such amount with the city. The city shall deduct city costs relating to the processing of such proposal as they are incurred. If the initial deposit is exhausted prior to the completion of processing, the city clerk-treasurer shall require the applicant to make one or more additional deposits in amounts equal to estimated additional costs which will be incurred by the city to complete processing of the proposal. All estimates of fees shall be made by the city clerk-treasurer after consultation with the city attorney ~~and~~, city engineer, and/or city planner.

(Ord. 205 § 3, 1991)

14.16.060 Processing of applications.

The city shall not be required to process any application within the scope of this chapter until the initial deposit has been paid in full. When an additional deposit is required, no further processing of such application by the city shall be required until the additional deposit has been paid in full. No license, certificate, permit or approval within the scope of this chapter shall be issued until all fees and additional charges imposed pursuant to this chapter have been paid in full.

(Ord. 205 § 4, 1991)

14.16.070 Refund/waiver.

- A. Refunds are permitted if applications are withdrawn before the costs to be covered by the deposit have been incurred.
- B. No fee established under this chapter shall apply to any city project funded by any city-controlled funding source.
- C. The planning director / city planner, or their designee, may waive a portion of the project application fees for special individualized circumstances, issues of fundamental fairness, and/or where application of the fee schedule is otherwise unreasonable or impractical. The decision to waive a portion of the application fees shall be included in the project file with the basis for the waiver. The decision is final and binding. Any other fee deferments and/or waivers may be granted as set forth by resolution of the city council.

(Ord. 205 § 5, 1991)

14.16.080 Administrative appeals.

The fees collected from the proponent of any proposal pursuant to this chapter shall include costs incurred by the city in connection with any administrative appeal (including any quasi-judicial appeal) which may be made by any person in connection with such proposal.

(Ord. 205 § 6, 1991)

14.16.090 Bonding and Assurances.

When not otherwise provided in this code, the following bonding and assurances shall apply, as determined by Millwood Public Works and/or the City Engineer:

- A. Performance Bonds. On all projects where project-related improvements are required, the city shall require a bond in an amount not greater than 150% of the private cost as a condition of development approval in order to guarantee the improvements, as required by Millwood Public Works and/or the City Engineer. If a performance bond is required, the applicant must provide an independent estimate of improvement costs. If a temporary certificate of occupancy is issued, payment of a re-inspection and certificate of occupancy conversion fee may be required. Issuance of a temporary certificate of occupancy for fee simple residential units will not require a bond or assurance.
- B. Warranty Bond. Additional bonding or assurance shall be required for all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-of-way for a period of up to 2 years after improvements are completed in an amount equal to 20% of the construction cost or \$10,000, whichever is greater. The city may reduce the bond amount for projects valued at less than \$20,000. The warranty bond must be posted prior to the release of any performance bonds, as required by Millwood Public Works and/or the City Engineer.
- C. Release of Performance Bonds. The bond or assurance shall be released when the city finds the completed project conforms to the site development approval, including all conditions of approval.
- D. Release of Warranty Bonds. The bond or assurance shall be released after the required warranty time period, when the city finds that any noted deficiencies have been repaired or replaced, as required by Millwood Public Works and/or the City Engineer.
- E. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security is provided equal to 150% of the private cost of the landscaping or the requirement is waived by the city due to substantial completion or other applicable circumstances. If security is required, the Applicant must provide an independent estimate of improvement costs. If the installation of the landscaping is not completed within a six-month period, the security may be used by the city to complete the installation.

Chapter 15.04 CONSTRUCTION CODES ADOPTED

15.04.010 Purpose.

The purpose of this chapter shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in the ordinance codified in this chapter or adopted codes to the contrary, this chapter and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

(Ord. No. 400, § 1, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 1, adopted July 5, 2010 repealed the former § 15.04.010, and enacted a new § 15.04.010 as set out herein. The former § 15.04.010 pertained to Uniform Codes adopted and derived from Ord. 302, 1999; Ord. 300 (part), 1999; Ord. 264, 1995; Ord. 208, 1991; Ord. 191 (part), 1990; Ord. 171, 1987; Ord. 145, 1984; Ord. 52 § 1, 1956.

15.04.015 State Building Code adopted.

- A. The city of Millwood adopts by reference the State Building Code set forth in Chapters 19.27 and 19.27A RCW, as may be subsequently amended by the state of Washington and or Spokane County City of Spokane Valley or current contracted building plan review and inspection authority as established through interlocal agreement, together with all amendments and additions provided in MMC Title 15, as the minimum regulations of the city governing buildings, ~~and~~ structures, equipment, and activities, and shall have the same force and effect as if fully set forth herein. Use of the word "minimum" throughout this chapter and the codes adopted herein is not intended to imply that additional requirements may be applied absent approved standards or regulations requiring such, which include the following and by this reference shall have the same force and effect as if fully set forth herein. The adopted code includes:
1. The International Building Code as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IBC, as modified by WAC 51-50 or successor.
 2. The International Residential Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IRC, as modified by WAC 51-51 or successor.
 3. The International Mechanical Code and the International Fuel Gas Code, NFPA 58 and NFPA 54, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IMC, as modified by WAC 51-52 or successor.
 - a. ~~The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code (WAC 51-52-0101).~~
 - b. ~~The standards for liquefied petroleum gas installations shall be the 2001 Editions of NPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code) (WAC 51-52-0101).~~

4. The International Fire Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IFC, as modified by WAC 51-54A or successor.
 5. The Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, including Washington State Amendments, hereinafter referred to as the UPC, as modified WAC 51-56 and 51-57 or successor.
 6. International Energy Conservation Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IECC, The Washington State Energy Code, as modified by WAC 51-11C and 51-11R or successor.
- B. The fees for building permits, mechanical permits, plumbing permits, other construction related permits, change of use permits, and investigation fees shall be set by resolution of the council of the city of Millwood and/or per Interlocal Agreement for building review and inspection, as applicable.

(Ord. No. 400, § 2, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 2, adopted July 5, 2010 repealed the former § 15.04.015, and enacted a new § 15.04.015 as set out herein. The former § 15.04.015 pertained to state Building Code adopted and derived from Ord. 359, 2007; Ord. 342, 2004; Ord. 300 (part), 1999.

15.04.016 Other codes and standards.

In addition to the codes listed in section 15.04.015, and except as modified by this chapter, the following codes and standards are adopted and shall have the same force and effect as if fully set forth herein:

- ~~{A.}~~ The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials, as amended.
- ~~{B.}~~ Chapters 296-150C, 296-150F and 296-150M of the Washington Administrative Code, as amended. In addition, the Manufactured Housing Inspection Manual as published by the Washington Manufactured Housing Association is to be used as a supplement to and reference for the aforementioned administrative code.
- ~~{C.}~~ Chapter 51-16-030 WAC, Exemptions for indigent housing, as amended.
- ~~{D.}~~ Chapter 51-19 WAC, Washington State Historic Building Code, as amended. Chapter 51-50 WAC, International Existing Building Code (IEBC), as amended (also refer to the Washington State Department of Archaeology & Historic Preservation for current building codes adopted by Washington State that affect historic buildings).
- ~~{E.}~~ The 2018 Edition of the International Property Maintenance Code, current adopted edition, as published by the International Code Council, Inc., except Sections 106, 111, 302.3, 302.4, 302.8, 304.2, 304.8, 304.13 through 304.19, 305.3, 305.6, 308, 309.2 through 309.5, 404.1, 506.3, 507, and 606 are not adopted. The adopted International Property Maintenance Code is further hereby amended as provided in Section 15.04.020(K). The adopted International Property Maintenance Code is in addition and supplemental to any and all other adopted codes and regulations, and applies to any and all existing structures and premises; equipment, facilities and fixtures; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures; and such other matters as contained therein. ~~2012 Edition of the International Property Maintenance Code as published by the International Code Council, Inc., as amended, except Sections 106 (Violations), 107 (Notices and Orders), and 111 (Means of Appeal).~~

In case of conflict by and among the Millwood City Code and the codes and standards adopted by this chapter, the building official shall make a determination as to which code shall govern. Codes referred to throughout the codes adopted by this chapter, such as but not limited to the International Existing Building Code, may be used as reference/guidelines but are not in effect unless specifically adopted in this chapter or applicable provisions of the Washington Administrative Code.

(Ord. No. 400, § 3, 7-5-2010; Ord. No. 472, § 1, 5-12-2015)

15.04.020 Amendments—Administration and enforcement.

The following amendments to the State Building Code set forth in Chapters 19.27 and 19.27A RCW are adopted and apply within this jurisdiction:

- A. The city of Millwood shall be the "[NAME OF JURISDICTION]" as applicable in all the codes adopted in Section 15.04.020.
- B. The Building Code adopted in this chapter by reference shall be interpreted, administered, and enforced by the building official of the city, or his/her/their authorized assistants and deputies.
 - 1. Building official means the City Planning Director / City Planner or his/her/their designee who is responsible for the administration of Chapter 15.04 of the Millwood Municipal Code (Construction Code).
 - 2. When an interlocal agreement is adopted for Millwood building review and inspections, the Millwood building official shall coordinate with the building official of the jurisdiction identified in the interlocal agreement and may defer to his/her/their expertise. The building official shall be appointed by the mayor to serve during the mayor's term of office, or until his successor is appointed and qualified, and he shall receive such salary as determined by the city council.
- C. The building official of the city shall be deemed the "building official" as defined in Section 202 of the International Building Code and Section R202 of the International Residential Code.
- D. The building official of the city shall be deemed the "code official" as defined in Section 202 of the International Mechanical Code, Section 202 of the International Fuel Gas Code and Section 202 of the International Property Maintenance Code.
- E. The fire chief of the Spokane Valley Fire Department shall be deemed the "fire code official" as identified in Section 202 of the International Fire Code.
- F. International Building Code:
 - 1. Amend Section 105, Permits, as follows:
 - a. Section 105.2, Work exempt from permit, Building: 1. to read as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area does not exceed 200 square feet (11.15 m²), and the accessory structure is not occupied as a living space / dwelling unit. Site plan review, as outlined in Section 17.44.050, is still required through City of Millwood for accessory structures between 121 square feet and 200 square feet.
 - b. Section 105.2, Work exempt from permit, Building: Item 6. to read as follows:

Item 6. Decks, sidewalks and driveways not more than 30 inches (762 mm) above the lowest adjacent ground level within six feet horizontally of the edge of the deck, sidewalk or driveway and where a guardrail is not required by other sections of this code, and not over any basement or story below and are not part of an accessible route.

2. Amend Section 1613, Earthquake loads, as follows:

a. Add a sentence to subsection 1613.1, Scope, as follows:

The minimum seismic design category shall be C.

Scope:

a. ~~Section 101.2 is amended to exclude work located primarily in the public way, public utility towers and poles, mechanical equipment not specifically regulated in this code and hydraulic flood control structures from the scope of the code.~~

b. ~~Section 101.2, Exception 2, pertaining to the existing building code, is deleted.~~

c. ~~Section 3109 is deleted; swimming pool enclosures shall comply with Chapter 3.11 of this title.~~

2. ~~Appendices. Appendix Chapters C and I as amended herein, are adopted as part of this title.~~

3. ~~Referenced Codes. IBC sections 101.4.1—Electrical, 101.4.4—Plumbing, 101.4.5—Property Maintenance, and 101.4.7—Energy are deleted.~~

4. ~~Building permit requirements:~~

a. ~~Exemptions. Building Permits.~~

i. ~~Section 105.2, Building: Item 1 is amended to substitute "200" for the square feet of building exempt from permit requirements.~~

ii. ~~Section 105.2, Building: Item 6 is amended to read "platforms, decks, walks and driveways not more than 30" (762 mm) above grade and not over any basement or story below and which are not part of an accessible route."~~

iii. ~~Section 105.2, Building: Item 9 is amended to read "prefabricated swimming pools accessory to a Group R-3 occupancy (IBC), detached one- and two- family dwellings and multiple single-family dwellings regulated by the IRC which do not exceed 5000 gallons (18925L) and are installed entirely above ground."~~

b. ~~Section 105.2 is amended to delete the Electrical, Gas, Mechanical, and Plumbing subsections.~~

G. International Residential Code:

1. Replace Table R301.2(1), Climatic and Geographic Design Criteria with the criteria identified in Section 15.04.025.

2. Amend Section R310.2.5, Emergency escape and rescue openings, as follows:

R310.2.5 Replacement of emergency escape and rescue openings except for replacement of glazing only in such windows shall be of the size required by this section.

3. Amend Section R322, Flood-resistant construction, as follows:

a. Modify R322.1, General, to add municipal code reference and read as follows:

All development in whole or in part within a designated floodplain shall comply with Chapter 15.20 and Title 18 and be designed and constructed in accordance with the provisions contained in this section.

b. Add a sentence to subsection R322.1.4, Establishing the design flood elevation, such that the section reads as follows:

The design flood elevation is equal to base flood elevation plus one (1) foot. The design flood elevation shall be used to define areas prone to flooding, and shall describe, at a minimum, the base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year.

- c. Delete item 1 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 1 to read as follows:

Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above base flood elevation plus one foot.

- d. Delete item 3 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 3 to read as follows:

Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus one foot.

- e. Add a second paragraph to Section R322.3.9, Construction documents, to read as follows:

The documents shall include a verification of foundation elevation prior to footing inspection approval and a verification of lowest floor elevation to be base flood elevation plus one foot prior to framing inspection approval.

Appendices. Appendix Chapter G, as modified by Chapter 3.11 of this title, is adopted as part of this title.

2. — Permits.

- a. R105.2, work exempt from permit, is replaced by IBC section 105.2, as amended by Section 3.03.030(a) of this title.

- b. Those provisions of R105.2 pertaining to electrical and plumbing permits are deleted.

H. International Mechanical Code and the International Fuel Gas Code. Reserved.:

1. — Appendices. Reserved.

2. — Mechanical permit and inspection requirements:

- a. Permits. Permits for mechanical installations in projects which also require building permits shall not be issued prior to issuance of the building permit. The building official may develop procedures other than those specified in the IMC to facilitate the issuance of permits.

3. — Licensing requirements.

- a. General. In addition to the licensing requirements of the state of Washington, anyone performing gas fitting work, installation of gas piping, venting, gas-fired appliances or repairing gas-fired appliances is required to have in their possession a current gas fitters license as issued by the city of Spokane applicable to the scope of work being performed.
- b. Authority to Verify. The building official may request that individual(s) performing gas-fitting work provide evidence of a current license. When valid license cannot be produced the work may be stopped until such time as a licensed gas fitter can be verified. Further, any work performed by individuals not possessing a valid license may be required to be dismantled or otherwise corrected by licensed individuals.

4. — Recognized standards. Where no applicable standards or requirements are set forth in the IMC as adopted by this title or contained within other applicable laws, codes, regulations or bylaws,

~~compliance with applicable standards of the Standard for Installation of Gas Appliances and Gas Pipe, Gas Conversion Burners, and Equipment in excess of four hundred thousand BTUs or other nationally recognized standards as are approved by the building official shall be deemed prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the power of the building official to determine compliance with codes or standards for those activities or installations within the building official's jurisdiction or responsibility.~~

I. International Fire Code. ~~Reserved.~~

1. 1. Adopt Appendix B, Fire Flow Requirements for Buildings.
2. Adopt Appendix C, Fire Hydrant Locations and Distribution.
3. Adopt Appendix D, Fire Apparatus Access Roads; amend Section D101.1, to read as follows:
D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code including the provisions of Section 503 Fire Apparatus Access Roads.

J. Uniform Plumbing Code. ~~Reserved.~~

- ~~1. General. Pursuant to the WAC 51-56-003, Chapters 12 and 15 of the UPC are deleted. In addition, those requirements of the UPC relating to venting and combustion air of fuel-fired appliances as found in UPC chapter 5 and those portions of the UPC addressing building sewers are not adopted.~~
- ~~2. Appendices. Appendix D is adopted and made a part of this title. The figure to be used in sizing drains in Appendix D shall be not less than two inches of rainfall/hour.~~
- ~~3. Plumbing permit and inspection requirements Permits for plumbing installations in projects requiring building permits shall not be issued prior to the building permit. The building official may develop procedures other than those specified in the UPC to facilitate the issuance of plumbing permits.~~

K. The 2018 International Property Maintenance Code.

1. Amend Section 202, General definitions, by adding the following definitions:
 - a. Blighted property. A property, dwelling, building, or structure which constitutes blight on the surrounding neighborhood. "Blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:
 - i. A dwelling, building, or structure exists on the property that has not been lawfully occupied for a period of one year or more;
 - ii. The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the Mayor or designee;
 - iii. The property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.
 - b. Drug properties and structures. Any building, structure and/or associated property, identified by the Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public.
2. Amend Section 202, General definitions, by deleting the following definitions:
 - a. Garbage;

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- b. Housekeeping unit;
 - c. Inoperable motor vehicle.
3. Amend Section 108, Unsafe structures and equipment, as follows:
- a. Add a new subsection 108.8, Blighted properties, to read as follows:

In conformance with RCW 35.80A.010, the City may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood.

Prior to such condemnation, the City Council shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.
 - b. Add a new subsection 108.9, Drug properties and structures, to read as follows:

Drug properties and/or structures are declared to be unsafe properties or structures and are a classification of property subject to the special procedures set forth in Section 108.8. The Building Official is authorized to abate such unsafe buildings, structures, and/or associated properties in accordance with the procedures set forth in this code and Washington statute, chapter 64.44 RCW, with the following additional actions:

 - i. Due to public safety hazard in drug production facilities, all public and private utilities shall be disconnected.
 - ii. Building(s) and structures shall be inspected to determine compliance with all City ordinances and codes
 - iii. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code.
 - iv. Reconnection of utilities or occupancy of the building(s), structures or property shall not be allowed until all violations have been addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriff's office.
 - v. If dangerous conditions cannot be abated, occupancy shall be prohibited and the structure and/or property may be subject to condemnation pursuant to RCW 35.80A.010, Condemnation of blighted property.
4. Replace the code reference, International Plumbing Code, in Sections 502.5 and 505.1 with the following:
- The State adoption of the Uniform Plumbing Code.
5. Delete the text of Section 602.2, Residential occupancies, and replace with the following:
- Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
6. Delete the text of Section 602.3, Heat supply, and replace with the following:
- Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to supply heat to occupants thereof shall

provide heat to maintain a temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

7. Replace paragraph one of Section 602.4, Occupiable work spaces, with the following:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of 65° F (18° C) during the period the spaces are occupied.

8. Replace the code reference, ICC Electrical Code, in Section 604.2, Service, with the following:

The State adoption of the National Electrical Code.

9. Also refer to Chapter 15.16 for Dangerous Buildings.

(Ord. No. 400, § 4, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 4, adopted July 5, 2010 repealed the former § 15.04.020, and enacted a new § 15.04.020 as set out herein. The former § 15.04.020 pertained to building official defined—appointment—compensation and derived from Ord. 52 § 5, 1956.

15.04.025 Design loads.

A. In addition to the criteria set forth in the codes adopted by this title, buildings and structures shall be constructed in accordance with the criteria set forth in the following table:

Ground Snow Load *	39 lbs/ft ² (a) <u>*Roof Snow Load: min. 30 lbs/ft²</u>
Wind <u>Design - Ultimate Design</u> Speed (mph) *	85-110 mph <u>*Nominal Design Speed: 85</u>
<u>Topographic effects</u>	<u>No</u>
<u>Special wind region</u>	<u>No</u>
<u>Windborne debris region</u>	<u>No</u>
Seismic Design Category	ISO-33 °C
<u>Subject to damage from:</u>	
Weathering	Severe
Frost Line Depth	24 inches
Termites	Slight to moderate
Decay	None to slight
Winter Design Temp	10°F
Ice Shield-Barrier Underlayment Required	Yes
Flood Hazards	1. 1612.3 IBC, FIRM Maps a) 53063C0558D b) 53063C0559D c) 53063C0566D d) 53063C0567D
Air Freeze Index	1232
Mean Annual Temp.	47.2°F
<u>Manual J Design Criteria (may be based on site-specific data in accordance with the WA State Energy Code)</u>	
<u>Elevation</u>	<u>2001</u>
<u>Latitude</u>	<u>47°N</u>
<u>Winter heating</u>	<u>7°F</u>
<u>Summer cooling</u>	<u>89°F</u>

<u>Altitude correction factor</u>	<u>0.94</u>
<u>Indoor design temperature</u>	<u>72°F</u>
<u>Design temperature cooling</u>	<u>75°F</u>
<u>Heating temperature difference</u>	<u>65°F</u>
<u>Cooling temperature difference</u>	<u>14°F</u>
<u>Wind velocity heating</u>	<u>15 MPH</u>
<u>Wind velocity cooling</u>	<u>7.5 MPH</u>
<u>Coincident wet bulb</u>	<u>61</u>
<u>Daily range</u>	<u>High</u>
<u>Winter humidity</u>	<u>30%</u>
<u>Summer humidity</u>	<u>50%</u>

- B. Snow Loads. The basic minimum roof snow load for the city is established as thirty (30) pounds per square foot except as otherwise provided for in this chapter. The building official in all cases shall determine snow loads where the minimum figure hereby established appears inadequate. Such determinations shall be based on analysis of local climate and topography and the "Snow Load Analysis for Washington" as published by the Structural Engineers Association of Washington.
- C. Flood Damage Protection. Flood loads and flood resistant construction requirements contained within the codes adopted herein shall be used in conjunction with the requirements of the city's flood hazard ordinance. In case of conflict, the requirements of the flood hazard ordinance shall prevail.

(Ord. No. 400, § 5, 7-5-2010)

15.04.030 Permit required to do work.

- A. No person, firm or corporation shall erect, construct, enlarge, alter, move, improve, remove, convert or demolish any building, structure, mechanical system or plumbing system regulated by this chapter, in the city or cause the same to be done, without first obtaining a separate building permit for each such building, structure or system installation from the building official.
- B. Application. For the purpose of this chapter and the provisions of RCW 19.27.095(2), the requirements for a fully completed application for a building permit are delineated in Section 105.3 of the IBC.

(Ord. No. 400, § 6, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 6, adopted July 5, 2010 repealed the former § 15.04.030, and enacted a new § 15.04.030 as set out herein. The former § 15.04.030 pertained to permit required to do work and derived from Ord. 113, 1981; Ord. 52 § 2, 1956.

15.04.040 Application for permit to do work.

To obtain a permit, the applicant shall file an application therefor in writing on a form furnished for that purpose by the building official. Each application for a permit shall be accompanied by two sets of plans and specifications, provided, however, that the building official may waive the requirement that plans and specifications be submitted with the application for a permit under certain conditions as determined by the building official and in the case of small and unimportant work.

- A. Projects subject to regulation under MMC Title 15 vest to the state code edition under which a complete application was accepted.

1. Time Limitation of Application. Applications are valid for one year. One or more extensions of time may be granted for a term of not more than 180 days but shall not exceed the time remaining in the code cycle to which the application is vested. Any request for extension shall be made in writing. All permit applications regulated by MMC Title 15 shall be deemed to be abandoned and become null and void if a permit is not issued within the time limits described herein.

a. Applications that have expired subject to MMC 15.04.040 have no vested right to review under the state code or Millwood Municipal Code in effect at the time of original complete application.

b. For review to continue on a project for which the application has expired, a new permit application must be submitted and a new fee paid. The application is subject to the processes and requirements of the Millwood Municipal Code as constituted at the time of the new application. The scope of application submittal requirements and review process shall be determined by the building official or designee.

2. Expiration of Permits. Every permit issued subject to MMC 15.04.040 shall expire and become invalid unless the work authorized by such permit is commenced within two years of issuance. One or more extensions of time may be granted for a term not more than 180 days but shall not exceed the time remaining in the first full code cycle after the code cycle to which the permit is vested. Any such extension shall be requested in writing.

A permit issued subject to MMC 15.04.040 shall expire and become invalid if the work authorized by the permit is not completed within two years after the first required inspection has been made.

a. Permits that have expired subject to MMC 15.04.040 have no vested right to review under the Millwood Municipal Code in effect at the time of original complete application acceptance.

b. When a permit expires and the work authorized by the expired permit is not completed, the remaining work may continue only after a new permit application for the remaining work has been submitted, approved, and new fees paid. The scope of permit review and fee amount shall be determined by the building official or designee. The fees shall be set to cover actual City costs for services or services per an interlocal agreement.

c. Compliance Actions. If a permit issued to resolve a code violation expires subject to MMC 15.04.040, the property owner may be subject to the immediate imposition of penalties and remedies authorized by the Millwood Municipal Code.

B. Permit Ownership. Ownership of a permit issued pursuant to MMC Title 15 inures to the property owner. If the permit applicant is not the property owner, the applicant shall be held to be an agent of, and acting on behalf of, the property owner.

C. Work Commencing Before Permit Issuance. Any person who commences any work on a building structure, electrical, gas, mechanical or plumbing system, before obtaining necessary permits, shall be subject to an investigation fee in accordance with Section 15.04.015(B) of this chapter.

The investigation fee shall be equal to and additional to the permit fee that would have been required had a permit been issued and is owed whether or not a permit is subsequently issued. Payment of the investigation fee does not vest illegal work or establish any right to a permit.

D. Permits shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in Section 14.12.025, Applications / Project Classification Types and Review Process.

(Ord. 52 § 3, 1956)

15.04.050 Fee for permit to do work.

A fee for each building permit shall be paid to the building official in accordance with Section 15.04.015(B) of this chapter.

(Ord. No. 400, § 7, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 7, adopted July 5, 2010 repealed the former § 15.04.050, and enacted a new § 15.04.050 as set out herein. The former § 15.04.050 pertained to fee for permit to do work and derived from Ord. 52 § 4, 1956.

15.04.060 Amendments to Building Code.

Any and all amendments and additions to the Building Code adopted in this chapter by reference, when the same are printed and filed with the city clerk-treasurer shall be considered and accepted as amendments to this chapter, without the necessity of further adoption of such amendments or additions, and shall have the full force of ordinances enacted by the city council of the city.

(Ord. 52 § 8, 1956)

15.04.070 Appeals from decisions of building official.

~~The city council of the city shall sit as a board of adjustment and shall pass upon any appeals from the decisions of the building official rendered in connection with the enforcement of this chapter. Said board of adjustment may grant variances with or without conditions being imposed if such variances comply with the spirit and intent of this chapter, and said board of adjustment may grant temporary permits. The appeal of any decision, order or determination of the building official shall be made in conformance with MMC 14.12.140. If a final decision is made by another entity on behalf of the City of Millwood based on an Interlocal Agreement or services contract that is in effect, an appeal would follow that entity's decision appeal process.~~

(Ord. 52 § 10, 1956)

15.04.080 Zoning title controls.

In the event of any conflict between this chapter and Title 17 of this code, entitled the zoning ordinance of the city of Millwood, relative to yard and other open spaces, and to the size, height, area, location and use of buildings, the provisions of Title 17 shall be controlling.

(Ord. 52 § 9, 1956)

15.04.090 Violation—Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, or of the Codes and/or Standards adopted by this chapter and by reference made a part of this chapter as fully as if set forth in full in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not to exceed ~~five hundred one thousand~~ dollars (\$~~500~~1000.00) or imprisoned in the county jail for a term of not exceeding ninety

(90) days or both, for each separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition, violation of section 15.04.016(E) may be subject to enforcement and punishment in accordance with Chapter 8.14 of the Millwood Municipal Code; provided, that such violation is the result of conditions or defects that endanger the life, health, property or safety of the public or the structure's occupants.

(Ord. 191 (part), 1990; Ord. 52 § 11, 1956; Ord. No. 472, § 3, 5-12-2015)

Chapter 15.16 DANGEROUS BUILDINGS

15.16.010 Findings.

- A. It is found that within the city exist dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the city.
- B. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this chapter is declared to be a matter relating to public health, welfare and safety.

(Ord. 255 § 1, 1995)

15.16.020 Purpose and scope.

- A. Purpose. The purpose of the provisions of this chapter is to provide a just, equitable and practicable method of requiring the repair, vacation or demolition of dwellings, buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or occupants. Furthermore, it is the policy of the city to encourage the rehabilitation of usable structures and to demolish those that are beyond repair.
- B. Scope. The provisions of this chapter shall apply to all dangerous and unfit dwellings, buildings or structures, as herein defined, which are now in existence or which may hereafter become dangerous or unfit.

(Ord. 263 (part), 1995; Ord. 255 § 2, 1995)

15.16.030 Definitions.

The terms used in this chapter shall have the meaning herein given to them.

"Abandoned" means a building or structure that has not been used, inhabited or maintained for a period greater than one year.

"Boarded-up building" means a building that has had its windows or other doorless entries secured with an extrinsic device and which gives to the building the appearance of nonoccupancy or nonuse for an indefinite period of time. After one year a boarded-up building becomes a dangerous or unfit building or structure as provided in Section 15.16.040.

"Building official" means the fire marshal of the city or the person appointed to the position of building official by the Millwood city council, consistent with MMC 15.04.020(B).

"Dwelling, building or structure" means any structure built for the support, shelter or enclosure of persons, animals or property of any kind.

"Last known address" means the last address as shown on the records of the assessor of Spokane County, Washington, for real tax purposes, and any other address known to the building official.

"Owner" means the owner, mortgagee, lessee, agent and/or other person having an interest in a building, or their personal representatives, as shown by the records of the county auditor of Spokane County, Washington, and the occupant of said building, if any.

"Person" means every natural person, firm, partnership, corporation, association or organization.

(Ord. 263 (part), 1995; Ord. 255 § 3, 1995)

15.16.040 Dangerous or unfit dwellings, buildings or structures defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous or unfit buildings or structures:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe;
- D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or others;
- E. Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or others;
- F. Those having lighting or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of escape;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or damage property;
- I. Those which have any exterior cantilever wall, or parapet, or appendage attached to or supported by an exterior wall of the building located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such cantilever, parapet or appendage is not so constructed, anchored, or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;
- J. Those which have an exterior wall located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such wall is not so constructed, anchored or braced as to remain

wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;

- K. Those which have defective or hazardous wiring, including wiring which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not being used in a safe manner;
- L. Those having defective or hazardous plumbing which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not free of cross connections or siphonage between fixtures;
- M. Those having defective or hazardous heating or ventilating equipment including equipment, vents and piping which did not conform with the codes applicable at the time of installation or has not been maintained in good and safe condition;
- N. Those which have been abandoned or boarded up and vacant for one year or more and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building to take place within a reasonable time as determined by the building official.
- O. Non-compliance with International Fire Code (IFC), including Washington State amendments for building code requirements, as determined by Spokane Valley Fire District No. 1.

(Ord. 263 (part), 1995; Ord. 255 § 4, 1995)

(Ord. No. 556, § 1, 11-24-2025)

15.16.050 Standards for repair, vacation or demolition.

- A. The following standards shall be followed in substance by the building official and the city council in ordering, at the property owner's expense, the repair, vacation, or demolition of dwellings, buildings or structures that have become dangerous or unfit.
 - 1. If the dangerous or unfit dwelling, building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall order that the repair work commence within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - 2. If the building official has determined that the dwelling, building or structure must be vacated, the order shall require the vacation within a certain time from the date of the order as determined by the building official to be reasonable (not to exceed sixty (60) days from the date of the order). However, vacation of the dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.
 - 3. If the dangerous or unfit dwelling, building or structure is greater than fifty (50) percent damaged or decayed or deteriorated in value, or if it cannot be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall require that the building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the demolition be completed within such time as the building official shall determine is reasonable. Value as used herein shall be the valuation placed upon the building or structure for purposes of general taxation.

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4. If the dangerous or unfit building or structure is a fire hazard, existing or erected in violation of the terms of this chapter or any other ordinance of the city or the laws of the state of Washington, the building official shall require that the dwelling, building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the repair or demolition be completed within such time as the building official shall determine is reasonable.
 5. If the dwelling, building or structure has been boarded up for one year or longer, the building official may require the owner or party of interest to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building for his/her/their approval, and that the approved plan be carried out and completed within such time as the building official shall determine is reasonable under all of the circumstances.
- B. The building official may require vacated buildings or structures be boarded up and secured and this boarding be maintained until the building or structure is repaired or demolished, as stated on the building official's order.
 - C. The building official may grant an extension of time for compliance with any order upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.
 - D. An extension of time may be revoked by the building official if it is shown that the conditions at the time the extension was granted have changed if the building official determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

(Ord. 263 (part), 1995; Ord. 255 § 5, 1995)

15.16.060 Enforcement.

- A. Administration. The building official is authorized to enforce the provisions of this chapter.
- B. Inspections. The building official is authorized to make such inspection and take such actions as may be required to enforce the provisions of this chapter.
- C. Right of Entry.
 1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his/her/their authorized representative has reasonable cause to believe that there exists in any dwelling, building or structure any condition which makes such dwelling, building or structure unfit or dangerous as defined in this chapter, the building official or his/her/their authorized representative may enter such dwelling, building or structure at all reasonable times to inspect the same or perform any duty imposed upon the building official by this chapter provided that:
 - a. If such dwelling, building or structure be occupied he shall first present proper credentials and demand entry; and
 - b. If such dwelling, building or structure be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the dwelling, building or structure and demand entry.
 2. If such entry is refused, the building official or his/her/their authorized representative shall have recourse to every remedy provided by law to secure entry.

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3. No owner or occupant or any other person having charge, care, or control of any dwelling, building or structure shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his/her/their authorized representative for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

(Ord. 255 § 6, 1995)

15.16.070 Building official— Dangerous or unfit building or structure— Notice of hearing.

If, after a preliminary investigation of any dwelling, building or structure the building official finds that it is dangerous or unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Spokane Auditor's Office, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building or structure is dangerous or unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of such complaint upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper of general circulation in the city. Such complaint shall contain a notice that a hearing will be held before the building official, at a place therein fixed, not less than ten days nor more than thirty (30) days from the date of the first serving of the complaint, or in the event of publication, not less than ten days nor more than thirty (30) days from the date of the first publication and posting, that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. A copy of such complaint for hearing shall also be filed with the auditor of Spokane County, Washington.

(Ord. 255 § 7, 1995)

15.16.080 Building official— Hearing—Evidence— Order.

- A. The hearing provided for in Section 15.16.070 shall be conducted by the building official at the time and place provided for in the complaint, or at such other time or place to which said hearing shall be adjourned or continued. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.
- B. If, after hearing, the building official shall determine that such dwelling, building or structure is not unfit or dangerous as defined in this chapter, he shall enter in writing his/her/their findings of fact to that effect and shall enter an order dismissing the complaint and shall file a copy of such order with the auditor of Spokane County, Washington.
- C. If, after the hearing, the building official shall determine that such dwelling, building or structure is unfit or dangerous as defined in this chapter, he shall enter in writing his/her/their finding of fact to that effect and shall enter an appropriate order in accordance with the standards set out in this chapter, which order shall provide as follows:
 1. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to repair such dwelling, building or structure to render it no longer a dangerous or unfit dwelling, building or structure as defined in this chapter; or
 2. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to remove or demolish such dwelling, building or structure; or

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3. Requiring the owner or party in interest of a building that has been boarded up for more than one year to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building, to be carried out and completed within such time as the building official shall determine is reasonable under all of the circumstances. The building official shall issue a date by which the plan is to be presented to him for his/her/their approval.

- D. Any such order issued under the provisions of subsections (C)(1) and (C)(2) of this section may further require the owner or party in interest, or the occupant(s) of the same to vacate and board up such dwelling, building or structure, within such reasonable time as may be set out in such order, should the building official find that such dwelling, building or structure is dangerous or unfit for human habitation. However, it is the intent of this chapter that boarding a dangerous dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.

(Ord. 263 (part), 1995; Ord. 255 § 8, 1995)

15.16.090 Order—Service—Effect.

Any order of the building official entered under the provisions of Section 15.16.080 shall become final and conclusive unless within thirty (30) days from the date of service of such order upon the owner, party in interest, and occupant of the premises or within thirty (30) days after the posting of such order and service of the same to be accomplished in the same manner as set out in Section 15.16.070 shall file in writing with the building official a notice of appeal from the findings and order of the building official to the appeals commission.

(Ord. 255 § 9, 1995)

15.16.100 Millwood city council to be appeals commission— Notice of hearing.

- A. The Millwood city council is hereby designated as the appeals commission referred to in RCW 35.80.030 (g) as the municipal agency which shall hear and determine all appeals from any order of the Building Official issued under the provisions of Section 15.16.080(c).
- B. Upon receipt by the building official of a written notice of appeal by an interested party from any such order of the building official, he shall forthwith transmit the same to the clerk of the city, who shall fix a date, time and place for the hearing of such appeal which shall not be less than ten days nor more than forty (40) days after the date of filing of the notice of appeal. Notice of the date, time and place of the hearing on the appeal shall be given by the building official to each owner, party in interest, or occupant who shall have filed a notice of appeal. Such notice shall be given within no less than ten days preceding the appeal hearing and may be served upon each appellant personally or by certified mail to each appellant, return receipt requested, addressed to the appellant at the address given on the notice of appeal, or at the appellant's last known address. All matters submitted to the appeals commission must be resolved by the commission within sixty (60) days from the date of filing therewith.
- C. At the appeal hearing all parties in interest may appear in person, or otherwise, and may present any testimony and exhibits that may be relevant to the issues presented by appeal. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city council.
- D. After the conclusion of the appeal hearing before the appeals commission, it shall enter its written finding of fact and an order consistent therewith, the same to conform to the standards set out in this

chapter. The appeals commission may reverse the order of the building official and dismiss the complaint, or it may modify or affirm the order of the building official, as it finds appropriate under the standards prescribed in this chapter. Within ten days after the hearing of any appeal, the city council shall:

1. Affirm or reverse the findings or rulings in the inspection report; or
 2. Make some adjustment of the required corrective action or the time for corrective action, imposing such conditions as necessary to assure reasonable safety.
- E. A complete and accurate record shall be made and kept of all appellate proceedings held before the city council. A transcript of such proceedings shall be furnished to any party in interest upon demand and upon payment to the city of the reasonable cost of preparation thereof.

(Ord. 279 (part), 1996; Ord. 263 (part), 1995; Ord. 255 § 10, 1995)

15.16.110 Appeals commission— Effect of order—Filing.

- A. The decisions of the city council on appeal shall be final and binding except for review by the Superior Court of the state of Washington as provided by RCW Chapter 35.80.030. The parties in interest appealing the commission's decision shall file their appeal with the Superior Court within thirty (30) days of the posting and service of the Commission's order. Forthwith upon entry thereof by the city council a copy of all findings of fact and of all orders shall be served upon all parties in interest, in the same manner as provided by Section 15.16.070, and a copy thereof shall be filed with the auditor of Spokane County, Washington.
- B. The findings and orders of the city council shall have and bear the same legal consequences as if issued by the building official.

(Ord. 255 § 11, 1995)

15.16.120 Defect abatement—Action by city—Assessments.

- A. If the owner or party in interest, following exhaustion of ~~his~~ **their** rights to appeal, fails to comply with the final order to repair, vacate, remove or demolish the dwelling, building or structure, the building official may direct or cause such dwelling, building or structure to be repaired, vacated, removed or demolished.
- B. The amount of the cost of such repairs, vacating, removal or demolition shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to the Spokane County treasurer by the city clerk of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such a manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the current expense fund of the city. The owner shall be personally liable for any deficiency.
- C. If the dwelling, building or structure is removed or demolished by the building official, he shall, if reasonably practicable, sell the materials of such dwelling, building or structure for the highest price offered by any person interested in the same. Proceeds from sale of materials shall be credited against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the building official, after deducting the costs incident

thereto. In calling for bids for the removal or demolition of any dwelling, building or structure, the building official may accept net bids for the same, the contractor to retain salvage.

- D. Nothing herein shall be construed to authorize any contract for removal or demolition without action by the city council, and shall be subject to bid laws if the estimated cost exceeds that amount which the law of the state of Washington requires advertisement for bids and award of contract by the city council.

(Ord. 255 § 12, 1995)

15.16.130 Powers of building official.

The building official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. Such powers shall include the following, in addition to others granted herein:

- A. To determine which dwellings within the city are unfit for human habitation, are unsafe or dangerous, or are unfit for other use;
- B. To administer oaths and affirmations, examine witnesses, and receive evidence; and
- C. To investigate all dwellings, buildings and structures within the city and to enter upon premises for the purpose of making examinations when the building official has reasonable grounds to believe they are unsafe, dangerous or unfit for human habitation or other use. Provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(Ord. 255 § 13, 1995)

15.16.140 Public nuisance defined and prohibited.

- A. The maintenance, use or sufferance to exist on any property within the city of any dwelling, building or structure, condition or use described below is declared to be a public nuisance.
 - 1. Any dwelling, building or structure which is an attractive nuisance to children;
 - 2. Any dwelling, building or structure determined to be an unfit or dangerous building, as defined in this chapter, by final order of the building official or of the city council, which ever shall be applicable, after expiration of time allowed for appeal and to repair, remove, demolish or vacate such dwelling, building or structure as set out in the order of the building official or the city council;
 - 3. Those buildings which have been abandoned, boarded up and vacant for one year or longer and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building.
- B. No person, firm or corporation, being the owner, lessor, occupant or person in possession of or in control of any property within the city, shall keep, maintain, use, suffer or allow to exist on such property, or on any public rights-of-way adjacent to such property, any public nuisance as defined in this chapter.

(Ord. 255 § 14, 1995)

15.16.150 Violation—Misdemeanor.

Any person, firm or corporation who shall violate any provisions of this chapter or who shall fail or neglect to comply with the terms of a final order issued by the building official or the city council or Superior Court, as may be applicable, for the repair, removal, demolition or vacation of any premises within the time provided in such final order, shall be guilty of a misdemeanor.

(Ord. 255 § 15, 1995)

Chapter 15.20 CONSTRUCTION IN FLOOD HAZARD AREAS

15.20.001 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- ~~A1.~~ To protect human life and health;
- ~~B2.~~ To minimize expenditure of public money and costly flood control projects;
- ~~C3.~~ To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- ~~D4.~~ To minimize prolonged business interruptions;
- ~~E5.~~ To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- ~~F6.~~ To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- ~~G7.~~ To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- ~~H8.~~ To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 398, § 1, 6-7-2010)

15.20.005 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the interpretation of any provision of this chapter ~~or a request for a variance.~~

"Areas of shallow flooding" means a designated AO, or AH zone on the FIRM. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard " or "areas of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"City" means the city of Millwood.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"FIRM" means the official map(s) on which the Federal Insurance Administration has delineated both any areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in Subsection 15.20.070(a).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after June 15, 2010.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

3. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

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4. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 398, § 1, 6-7-2010)

15.20.010 Application of flood hazard regulations.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 398, § 1, 6-7-2010)

15.20.020 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency's Flood Insurance Study for Spokane County, Washington and Incorporated Areas dated July 6, 2010, and any other revision thereto, with accompanying FIRM, and any other revision thereto, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the city planning department.

(Ord. No. 398, § 1, 6-7-2010)

15.20.030 Development permit and fee required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard as established in Section 15.20.020. The permit shall be for all structures including mobile homes and for all development including filling, excavating and other activities as set forth in the definitions. A fee ~~of fifty dollars (\$50.00)~~ shall be assessed on all development permits in flood hazard areas.

(Ord. No. 398, § 1, 6-7-2010)

15.20.040 Application for development permit.

Application for a development permit shall be made on forms furnished by the City Planning Director / city planner and may include but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A1. Elevation in relation to mean sea level of the lowest floor including basement of all structures;
- B2. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 15.20.070(gG);
- D4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 398, § 1, 6-7-2010)

15.20.050 Administration by City Planning Director / city planner.

The City Planning Director / city planner or his/~~her~~/their designee is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Duties of the City Planning Director / city planner shall include but not be limited to:

- A1. Permit Review.
 - 1a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;
- B2. When base flood elevation data has not been provided in accordance with Section 15.20.020, the City Planning Director / city planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 15.20.070;
- C3. Where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (2) of this section, obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement;
- D4. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Subsection 15.20.050(~~2B~~):
 - 1a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed,
 - 2b. Maintain the floodproofing certifications required in Subsection 15.20.040(~~3C~~);
- E5. Maintain for public inspection all records pertaining to the provisions of this chapter;
- F6. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- G7. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- H8. Interpret, where needed, the exact locations of the boundaries of the areas of special flood hazards, such as, where there appears to be a conflict between a mapped boundary and actual conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.060.

(Ord. No. 398, § 1, 6-7-2010)

15.20.060 Appeal and Variance procedures.

- A. ~~The city council shall hear and decide appeals and requests for variances from the requirements of this chapter. Those aggrieved by the decision of the city council may appeal such decision to Superior Court of Spokane County according to the provisions of Section 21.60.130. The appeal of any decision by the City Planning Director / city planner shall be made in conformance with MMC 14.12.140.~~
- B. Refer to Section 17.44.065 to apply for a Variance from the requirements of this chapter. Variances shall only be issued upon the following conditions:

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1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with local laws or ordinances; and
 4. The variance is the minimum necessary, considering the flood hazard, to afford relief.

(Ord. No. 398, § 1, 6-7-2010)

15.20.070 Standards for flood hazard reduction in areas of special flood hazards.

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Water wells shall be located on high ground that is not in the floodway in accordance with WAC 173.160.171, as amended.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

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4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres (whichever is less).
- E. Review of Building Permits. Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- F. Residential Construction.
1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Subsection 15.20.040(3C);
 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection 15.20.050(4D).
 5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to one foot above the base flood level will be rated as at the base flood level).
- H. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the five hundred-year flood, whichever is higher. Access to and from the critical facility should also be

protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

- I. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (aA)(2) of this section.

(Ord. No. 398, § 1, 6-7-2010)

15.20.080 Floodways.

Located within areas of special flood hazard established in Section 15.20.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - 1a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - 2b. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either:
 - ai. Before the repair, reconstruction or repair is started; or
 - bii. If the structure has been damaged, and is being restored, before the damage occurred.
- C3. Work done on structures to comply with existing health, sanitary, or safety codes, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the fifty (50) percent determination.
- D4. Recreational vehicles placed on sites are required to either:
 - 1a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; and
 - 3e. Meet the requirements of Subsection 15.20.070(ii) above and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.090 Compliance and enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Enforcement of the provisions of this chapter shall be in conformance with chapter 8.14 of the Millwood Municipal Code. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

(Ord. No. 398, § 1, 6-7-2010)

15.20.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where any provision in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 398, § 1, 6-7-2010)

15.20.110 Interpretation.

In the interpretation and application of the provisions of this chapter, all provisions shall be:

- ~~A1.~~ Considered as minimum requirements;
- ~~B2.~~ Liberally construed in favor of the governing body; and,
- ~~C3.~~ Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.120 Warning and disclaimer of liability.

The degree of flood protection required by the provisions of this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. The provisions of this chapter do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the provisions of this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 398, § 1, 6-7-2010)

Title 16 SUBDIVISIONS

Chapter 16.02 GENERAL PROVISIONS

16.02.010 Short title.

This title shall be known as the "Subdivision Ordinance."

(Ord. No. 386, § 1, 11-2-2009)

16.02.020 Authority.

Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process for reference to the review authority for recommendations and decisions on all of the types of land division applications and the review process consistent with and The planning commission is designated and assigned the administrative responsibilities as set forth in this title, pursuant to the laws of the state of Washington, RCW Chapter 58.17, as hereafter amended, ~~such responsibilities to include the holding of hearings, and recommendations to the city council for approval or disapproval of preliminary plats of proposed subdivisions. Sole authority to approve preliminary and final plats and to adopt or amend platting ordinances shall reside in the city council.~~

(Ord. No. 386, § 1, 11-2-2009)

16.02.025 Purpose.

The purpose of this chapter is to regulate the subdivision of land and to ensure city land division approvals and dedications make written findings that "appropriate provisions" have been made for the public health, safety, and general welfare and that the public use and interest will be served by the platting of such subdivision and dedication, promote the public health, safety and general welfare in accordance with standards established by the city and the state of Washington:

- ~~1A.~~ To prevent the overcrowding of land;
- ~~2B.~~ To lessen congestion in the streets and highways;
- ~~3C.~~ To promote effective and efficient use of land;
- ~~4D.~~ To promote safe and convenient travel by the public on streets, alleys, and highways, and other public ways;
- ~~5E.~~ To provide for adequate light and air;
- ~~6F.~~ To facilitate adequate provisions for potable water, sanitary sewerage, drainageways, transit stops, parks, open space, and recreation areas, sites for schools and school grounds, and all other relevant factors, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school as well as other pedestrians, and other public requirements;
- ~~7G.~~ To provide for proper ingress and egress;

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- ~~8H.~~ To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and plans and policies of the city;
 - ~~9I.~~ To adequately provide for the housing and commercial needs of the citizens of Millwood; and
 - ~~10J.~~ To require uniform monumenting of land subdivisions and conveyancing by accurate legal description.
 - K. Other items related to the public health, safety, and general welfare per WAC 365-196-820(1).

(Ord. No. 386, § 1, 11-2-2009)

16.02.030 Planning commission—Failure to act.

If the planning commission fails to act or carry out its responsibilities according to the regulations set forth in this title, the city council shall assume all the duties of the planning commission relating to the specific application of this title.

(Ord. No. 386, § 1, 11-2-2009)

16.02.040 Territorial limits of regulations.

These rules and regulations governing plats, subdivisions and other land divisions or dedications of land apply within the corporate limits of the city of Millwood.

(Ord. No. 386, § 1, 11-2-2009)

16.02.045 Vesting of rights.

- A. A proposed division of land, as defined in this title, including subdivisions, short subdivisions, unit lot subdivisions, administrative lot splits, and binding site plans, shall be considered under the subdivision, short subdivision or binding site plan land division ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, preliminary unit lot subdivision, preliminary short plat, or preliminary binding site plan, or administrative lot split request has been submitted to and acknowledged in writing as complete per requirements for a Determination of Completeness, as outlined in Chapter 14.12 by the planning director / city planner or designee, public works director, fire chief, building official, city engineer, and city attorney.
- B. The requirements for a fully completed application shall be as defined by this title.
- C. The limitations imposed by this section shall not restrict conditions imposed under RCW Chapter 43.21C.

(Ord. No. 386, § 1, 11-2-2009)

16.02.050 Exemptions.

Pursuant to RCW 58.17 exemptions, the provisions of this title shall not apply to:

- ~~1A.~~ Cemeteries and other burial plots while used for that purpose;
- ~~2B.~~ Divisions of land into lots or tracts each of which is one 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road,

the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

- ~~3C.~~ Divisions made by testamentary provisions or the laws of descent;
- ~~4D.~~ Division of land into lots or tracts classified for industrial or commercial use when the city ~~council~~ has approved a binding site plan for the use of the land in accordance with this title and such other regulations adopted by city council, and For the purposes of this section, commercially zoned property includes property that is zoned to permit or conditionally permit any multifamily residential uses;
- ~~5E.~~ A division for the purpose of lease when no residential structure other than mobile homes, manufactured homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city ~~council~~ has approved a binding site plan for the use of the land in accordance with this chapter;
- ~~6F.~~ A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which-that contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
- ~~7G. a.~~ Divisions of land into lots or tracts if:
 - ~~i1.~~ Such division is the result of subjecting a portion of a parcel or tract of land to either RCW Chapter 64.32 or 64.34 subsequent to the recording of a binding site plan for all such land;
 - ~~ii2.~~ The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
 - ~~iii3.~~ The city ~~council~~ has approved the binding site plan for all such land;
 - ~~iv4.~~ Such approved binding site plan is recorded with the county auditor; and
 - ~~v5.~~ Such-The binding site plan contains thereon the following statement:

"All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City of Millwood, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owner's' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now ~~and-or~~ hereafter having any interest in the land described herein."
- ~~b.~~ The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either RCW Chapter 64.32 or ~~64.3234.~~
- ~~c.~~ The binding site planA site plan shall be deemed to have been approved if the binding site plan was approved by the city ~~council~~:
 - ~~i-a~~ In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
 - ~~ii b.~~ In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

~~iii.c.~~ If not approved pursuant to ~~subsections 7.(C)~~ (i) and (ii) of this ~~subsection (7) (e)~~, then pursuant to such other procedures as the city may have established for the approval of a binding site plan.

~~8H.~~ A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

"Personal wireless services" means any federally licensed personal wireless service.

"Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

~~9I.~~ A division of land into lots or tracts of less than three acres that is recorded in accordance with RCW Chapter 58.09 and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

J. A division of land caused by the acquisition of a portion of an existing lot or tract by a regional transit authority as defined in chapter 81.112 RCW that is acquiring land to build facilities as defined in RCW 81.112.020.

(Ord. No. 386, § 1, 11-2-2009)

16.02.060 Time limitations.

A. Preliminary Plat.

~~1. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction processed in accordance with MMC 14.12.025 Applications / Project Classification Types and Review Process within ninety (90) days from date of filing thereof, unless the applicant consents to an extension of such time period or the ninety-daytime~~ limitation is extended to include up to twenty-one (21) days as specified under RCW Chapter 58.17.095(3) and Title ~~1018~~, Environmental Regulations, of this code; provided that if an environmental impact statement is required as provided in RCW Chapter 43.21C.030, the ~~ninety-daytime~~ period shall not include the time spent preparing and circulating the environmental impact statement by the city.

~~2. The planning commission's recommendations shall be submitted to the city council not later than fourteen (14) days following action by the planning commission.~~

~~3. Upon receipt of the planning commission's recommendation on any preliminary plat, the city council shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the planning commission.~~

B. Preliminary Short Plat.

Preliminary short plats of any proposed short subdivision and dedication shall be processed in accordance with MMC 14.12.025 Applications / Project Classification Types and Review Process.

- ~~BC.~~ Final plats and short plats (including unit lot subdivisions) shall be approved, disapproved, or returned to the applicant for modification within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.
- ~~CD.~~ A final plat meeting all requirements of this title shall be submitted to the city ~~council~~ for approval within ~~five-seven~~ years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. A final plat meeting all requirements of this chapter shall be submitted to the city for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007. An applicant who files a written request to the ~~planning commission~~ city at least ~~thirty-sixty~~ (360) days before the expiration of the preliminary plat ~~this five-year period~~ shall be granted no more than two, one-year extensions upon a showing that the applicant has attempted in good faith to submit the final plat within the ~~five-year~~ applicable approval period. Extension of time request approvals, may or may not contain additional or altered conditions based on review by the city and applicable agencies.
1. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing if the date of filing is on or before December 31, 2014, and for a period of five years from the date of filing if the date of filing is on or after January 1, 2015.
2. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of ten years after final plat approval if the project is not subject to requirements adopted under RCW 90.58, the Shoreline Management Act, and the date of final plat approval is on or before December 31, 2007, unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.
- E. A final short plat meeting all requirements of this title shall be submitted to the city for approval within five years of the date of preliminary short plat approval. An applicant who files a written request to the city at least sixty (60) days prior to the expiration of the preliminary short plat shall be granted no more than two, one-year extensions upon a showing that the applicant has attempted in good faith to submit the final short plat within the five-year approval period. Extension of time request approvals, may or may not contain additional or altered conditions based on review by the city and applicable agencies.
- F. Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process for reference to the review authority for recommendations and decisions on all of the types of land division applications.

(Ord. No. 386, § 1, 11-2-2009)

16.02.070 Amendments.

Amendments to this title may be made following the procedures ~~contained in this section~~ outlined in Section 14.12.150 Amendments to Development Regulations.

1. ~~The planning commission shall hold a public hearing on proposals to adopt, amend, or repeal the subdivision ordinance. Notice for the public hearing shall be published not less than ten days prior to the hearing in a newspaper of general circulation with the city, and notice shall also be given to~~

~~individuals and organizations which have submitted requests for notice. Following the public hearing, the planning commission shall submit its recommendations in writing to the city council.~~

~~2. If after considering the planning commission's recommendations at a public meeting, the city council deems a change in the planning commission's recommendation is necessary, the city council shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the proposed amendment. Notice of any such hearing shall be given as provided in subsection 1. of this section.~~

~~3. Any interested person, including applicants, citizens, and staff of other agencies may suggest amendments to this subdivision code. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW Chapter 36.70A.130.~~

(Ord. No. 386, § 1, 11-2-2009)

16.02.080 Severability.

If any provision of this title, or any application to any person or circumstance is held invalid, the remainder of this title, or the application of the provision to other persons or circumstances is not affected.

(Ord. No. 386, § 1, 11-2-2009)

Chapter 16.04 SHORT SUBDIVISIONS

16.04.010 General provisions adopted by reference.

Pursuant to RCW 58.17.060, the city adopts the following short subdivision ordinance codified in this chapter. The purpose, definitions, provisions and exemptions contained in RCW Chapter 58.17 regarding short subdivisions and short plats are adopted by this reference.

The purpose of this ordinance is to provide a process to divide land into ~~four~~ nine (9) or fewer lots, tract, parcels, sites or divisions with a level of review that is proportional to the effect these lots may have on the surrounding area.

Any person seeking to divide or redivide land situated within the city of Millwood into nine (9) ~~four~~ or fewer lots for the purpose of sale, lease or transfer of ownership, unless exempted under the provisions of MMC 16.04.100, shall submit an application for approval of a short subdivision to the city together with the appropriate application fee.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

16.04.015 General design.

The design of short subdivisions shall conform to the requirements of all applicable city plans and standards, and any other official control relating to land use, which has been adopted to implement the Millwood comprehensive plan. In addition:

- A. The design, shape, size, and orientation of the lots shall be appropriate for the use for which the divisions are intended, and the character of the area in which they are located. Each lot shall meet the conditions and restrictions of the city's zoning ordinance and comprehensive plan codified in Title 17.

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- B. Block dimensions shall reflect due regard to the needs of convenient access, public safety, emergency vehicle access, topography, road maintenance, and the provisions of suitable sites for the land use planned.
 - C. Road alignments shall be designed with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided and in accordance with the requirements of the Millwood public works department.
 - D. When a tract is short subdivided into lots of one acre or more in size, the subdivision administrator may require an arrangement of the lots and roads, such as to permit a subsequent redivision in conformity with roads or plans adopted by the city.
 - E. No lot shall be divided by the boundary of any jurisdiction, zoning designation, or public right-of-way. All structures, buildings, septic tanks, drainfields, wells or other improvements, on all lots shall conform to the requirements of all applicable city plans and standards, and any other official control relating to land use, which has been adopted to implement the Millwood comprehensive plan.
 - F. Every lot shall have direct access to a public road or other appropriate access as outlined in MMC 17.18.010.
 - G. Prior to filing the final short subdivision, the applicant shall improve or make appropriate provisions for the construction of the public road and sidewalks, as applicable and other improvements identified in the conditions of approval, as applicable, consistent with Millwood standards or any other standard as deemed acceptable by the Millwood public works department and the applicant shall dedicate such public roads to the city of Millwood.
 - H. Provisions for adequate sewage disposal shall be in compliance [with] the Millwood Sanitary Sewer Ordinance, and any other regulating agency's regulations.
 - I. Provisions for an adequate domestic water supply and/or fire protection shall be in compliance with current Millwood regulations.
 - J. Provisions for storm water runoff shall be in compliance with the zoning requirements of the city.
 - K. Easements for electric, water, sewer, gas and similar utilities shall be illustrated on the final short subdivision. The utility purveyors shall indicate to the subdivision administrator in writing any necessary easement and such easements shall be dedicated to the appropriate utility purveyor.
 - L. When the density of a proposed subdivision meets or exceeds three lots per gross acre within the exterior boundaries, the subdivision shall provide underground utilities with public rights-of-way, alleys or utility easements including, but not limited to, those for electricity, communication, and street lighting. When conditions make underground installation impractical, the subdivision administrator may waive the requirement for underground utilities.

(Ord. 321 (part), 2002)

16.04.020 Administrator.

The city planner, or in the absence of a planner, the city clerk, is designated the short subdivision administrator (hereinafter administrator).

(Ord. 321 (part), 2002; Ord. 256, 1995; Ord. 226 (part), 1993)

16.04.025 Application packet and fees.

Prior to filing an application with the city, the applicant shall have a pre-application conference with the planning department and applicable agencies to obtain application forms and receive general information regarding the short subdivision process. Following the pre-application conference, the applicant may submit a preliminary short subdivision application for review by the city and appropriate agencies.

- A. Anyone requesting a short subdivision shall submit a written preliminary short subdivision application, as provided by the city, in pdf and hard copy, to the administrator containing:
1. ~~The~~ applicant's name, address, email, and phone number;
 2. ~~The~~ name, address, email, and phone number of the legal owner if different than that of the applicant; ~~and~~
 3. The names, addresses, emails, and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option; ~~the name, address and phone number of any person or company having an encumbrance on the property~~
 4. The notarized signatures of all parties;
 5. The existing zoning classifications and comprehensive plan designations for the property proposed to be short platted and contiguous property;
 6. The source of water supply;
 7. The source of sewage disposal;
 8. Any other information deemed appropriate by the city planner. ~~Every preliminary short subdivision application packet shall consist of the preliminary short subdivision application, applicable fees and the following:~~
- ~~aB.~~ Three copies of a ~~A~~ subdivision title certificate in pdf and hard copy, issued by a title insurance company doing business in Spokane County, showing interest of the person(s) signing the short plat and showing all restrictions encumbering the land.
- ~~bC.~~ Legal description of proposal site in pdf and hard copy, with the source of the legal description clearly indicated.
- ~~cD.~~ A ~~minimum of six copies of the~~ preliminary short subdivision map in pdf and hard copy, which shall be a legibly drawn map, eighteen (18) by twenty-four (24) inches in size, and with a scale of 1"=50' or 1"=100'. The preliminary short subdivision map, prepared by a licensed land surveyor, shall contain the following:
1. Name, address, and telephone number of the owner and the person with whom official contact should be made;
 2. Location of the site by section, township, range;
 3. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots proposed, the proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
 4. Vicinity map which shall indicate the property to be subdivided;
 5. North arrow, scale, and the boundary of the proposed short subdivision;

6. Datum, benchmarks, and metes and bounds description of the site;
 7. Certification of registered land surveyor;
 8. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
 9. The location, names, and widths of all existing and proposed streets, roads, alleys, driveways / access easements, and sidewalks within the proposed short subdivision and within 100 feet thereof;
 10. All existing or proposed easements, divisions, or sites to be reserved or proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
 11. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, wetlands, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
 12. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
 13. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
 14. Ground elevations, with five-foot contours if land slope is regular; more detailed mapping may be requested for uneven land. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a licensed land surveyor;
 15. A list containing each dedication and encumbrance on the property;
 16. A legal description for each proposed lot.
 17. A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch showing all adjacent subdivisions, streets, tract lines, bordering lines of adjacent parcels and showing how the streets and alleys in the proposed short subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood, as applicable.
- dE. One reduced to scale hard copy of the preliminary short subdivision in eleven (11) by seventeen (17) inches in size.
- eF. Two copies of the Spokane County Assessor's map in pdf and hard copy, showing the location of and the existing parcel number of all abutting properties within 250 feet of the subject property. The approximate location of the subject property shall be clearly marked.
- G. A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable notification instructions, for each of the identified properties. Completed certification forms contained in the applicable notification instructions must also be submitted.
- fH. Environmental Checklist, if the division of land is not exempt under the Millwood Environmental Ordinance and MMC 16.04.040.
- gI. A utility plan showing existing and proposed utilities and easements adjacent to the property being subdivided, the vertical scale of street and sewer profiles shown shall be at ten (10) feet or less to the inch, with a horizontal scale of four hundred (400) feet or less to the inch. Letters from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

J. Completed Agreement to Pay Fees form.

K. Letters in pdf and hard copy, from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

The preliminary Short Subdivision map shall contain the following:

- a. Name, address, and telephone number of the owner and the person with whom official contact should be made regarding the short subdivision;
- b. Location of the site by section, cityship, range;
- c. A statement covering the number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
- d. Vicinity map which shall indicate the property to be subdivided;
- e. North arrow, scale, and the boundary of the proposed short subdivision;
- f. Approximate boundaries of all blocks, the designation of lots, lot lines, and dimensions;
- g. The location, names and widths of all existing and proposed streets and roads within the proposed short subdivision and within 100 feet thereof;
- h. All existing or proposed easements or divisions proposed to be dedicated for any public purpose;
- i. Approximate location of any natural features such as critical areas, drainage ways, wooded areas, and wetlands;
- j. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
- k. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
- l. Topographic information, at ten foot intervals, if any slopes exceed ten percent. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a professional land surveyor;
- m. A list containing each dedication and encumbrance on the property;
- n. A legal description for each proposed lot.

Said application shall be accompanied by an application fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the application, reviewing submittals and inspecting any improvements required as a condition of approval, which costs shall be paid before final approval of the short subdivision.

(Ord. 321 (part), 2002)

16.04.030 Notice—Review—Conditions of approval—Notification to applicant.

If the city determines that the application is complete and that the preliminary short subdivision contains sufficient elements and data to furnish a basis for its approval or disapproval, the city shall assign a file number to the preliminary short subdivision, deposit the application fees, and issue a receipt. Preliminary short subdivisions shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process.

The city shall provide, or shall cause public notice of the application to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments, recommendations, and recommended conditions. ~~A copy of the decision approving or denying the proposal will be provided to those parties who submit written comments, or who submit a written request for such decision, to the city in accordance with the notice of application. Public notice shall be made in accordance with adopted procedures in the MMC. A copy of the decision approving or denying the proposal will be provided to those parties who submit written comments, or who submit a written request for such decision, to the city in accordance with the notice of application.~~

~~The city shall distribute copies of the preliminary short subdivision to affected agencies. In addition, the administrator shall notify the city's engineer, the city's planning commission, the city's maintenance supervisor, the city's fire chief and the city's attorney who shall advise the administrator of any condition, restrictions, improvements or dedications to be imposed as a condition of approval of the short subdivision. The affected agencies and city staff shall review the preliminary short subdivision, and within ten working days or less, furnish their recommendation and any recommended conditions, if any, for approval or disapproval of the preliminary short subdivision to the city. The planning department and reviewing agencies may request additional information during the review process in order to process the application.~~

The administrator shall determine and make written findings that appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for utilities including electric, and gas, and ~~telephone,~~ for fire safety, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from school as well as other pedestrians; and whether the public interest will be served by the short subdivision and any dedications.

Short subdivisions may be approved if the city makes a formal written finding of fact that the proposed short subdivision is in conformity with the above factors and with the adopted comprehensive plan, all applicable zoning codes, chapter 58.17 RCW, and other land use controls, which are known to exist.

~~Applications for preliminary short subdivisions shall either be approved, approved with conditions, or denied within thirty (30) calendar days of the issuance of a determination of completeness, unless the applicant gives written consent to an extension of time, or unless additional environmental information is required under SEPA.~~

Approval of a preliminary short subdivision shall ~~automatically expire five years from the date of approval~~ follow Section 16.02.060 Time Limitations.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

16.04.040 Environmental checklist.

The applicant shall not be required to prepare an environmental checklist or file an environmental impact statement unless the property is located in an environmentally sensitive area as defined by statute or WAC.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

16.04.045 Final short subdivision.

Applicant shall be responsible to address and fulfill those factors identified and required by the administrator and pay the cost and expense thereof, including the cost of completing improvements required thereby, whether on-site or off-site, prior to final approval of the short subdivision. All applicable improvements shall be dedicated to the city for public use and shall be constructed based on civil plans approved by the city engineer in accordance with Chapter 16.16 Minimum Improvements and Chapter 16.24 Design Standards, as applicable. An approval

subject to conditions shall not be deemed a final approval until all conditions and improvements have been completed and approved by the administrator. No lots may be sold or transferred or building permits issued for any lot in the short subdivision until all of the improvements are completed to the administrator's satisfaction, the administrator has approved the short subdivision, and it has been recorded with the Spokane County auditor.

The preparation of all final short subdivisions shall be made by or under the supervision of a ~~professional licensed~~ land surveyor who shall certify on the final short subdivision that it is a true and correct representation of the lands actually surveyed. A survey is required on all final short subdivisions. All surveys shall comply with the Survey Recording Act (RCW 58.09) and Survey and Land Descriptions (WAS 332-130).

Monumentation shall be established including permanent metal corner survey stakes (with an iron rod or iron pipe marked in a permanent manner with the registration number or the ~~professional licensed~~ land surveyor in charge of the survey) for the boundaries of each lot within the short subdivision and right-of-way monuments.

Submittal of final short subdivision shall be made ~~within the timeline outlined in Section 16.02.060 Time Limitations~~ within five years of the date of preliminary approval. The final short subdivision shall incorporate all conditions of approval imposed by the subdivision administrator. The final short subdivision application package shall include:

- A. ~~Three copies of a~~ A subdivision plat certificate in pdf and hard copy that is less than 30 days old at time of submittal.
- B. Certification that all taxes and delinquent assessments for the property have been paid.
- ~~BC. A minimum of nine copies of the~~ The proposed final short subdivision map in pdf and hard copy, which shall be legibly drawn, printed, or reproduced permanent map, eighteen (18) by twenty-four (24) inches. A two inch margin shall be provided on the left edge, and one-half inch margin shall be provided at the other edges of the subdivision. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

Mapping Requirements:

- 1. Final short subdivision maps must include:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;
 - b. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map and north arrow;
 - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown;
 - d. Ties to adjoining surveys of record.
- 2. The allowable error of mathematical closure for the final ~~short~~ subdivision map shall not exceed one foot in eighty thousand (80,000) feet or 0.04 foot, whichever is greater.
- 3. Bearing and lengths are to be shown for all lines; no ditto marks are to be used.
- 4. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
- 5. Subdivision boundary and street monument lines having curves shall show radius, arc, central angle, and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show chord bearing and length.

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6. Lots along curves shall show arc length along curve and radial bearings at lot corners. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius. Radial bearings along lot lines will not be required.
 7. All dimensions shall be shown in feet and hundredth of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
 8. When elevations are needed on the final short subdivision, permanent benchmarks shall be shown on the final short subdivision in a location and on a datum plane approved by the city.
 9. The final short subdivision shall indicate the actual net area for each subdivided lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
 10. Final short plat maps shall be consistent with the approved preliminary short plat and identify the final short plat name and City of Millwood file number.
 11. The final short subdivision map shall also contain:
 - 1a. Name, address, and telephone number of the owner and the person with whom official contact should be made regarding the short subdivision;
 - 2b. Location of the site by section, cityship~~township~~, range;
 - 3c. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
 - 4d. Vicinity map which shall indicate the property to be subdivided;
 - 5e. North arrow, scale, and the boundary of the proposed short subdivision;
 - 6f. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
 - 7g. The location, names and widths of all existing and proposed streets, ~~and roads~~, alleys, driveways / access easements, and sidewalks within the proposed short subdivision and within one hundred (100) feet thereof;
 - 8h. All existing or proposed easements or divisions proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
 - 9i. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, ~~and wetlands~~, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
 - 10j. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
 - 11k. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the ~~proposed~~ short subdivision is the subdivision of a portion of an existing subdivision, the lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
 - 12l. Topographic information, at ten-foot intervals, if any slopes exceed ten percent. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a ~~professional~~ licensed land surveyor;
 - 13m. A list containing each dedication and encumbrance on the property;

14n. A legal description for each proposed lot;

o. A certificate giving full and correct description of the lands divided as they appear on the plat;

p. A statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

q. A setback detail or setbacks identified on each lot;

r. House numbers assigned by the city shall be shown for each lot, as determined applicable by the planning director;

s. In accordance with RCW 58.17.165, if the short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the short plat and a waiver of all claims for damage against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

t. Other information determined necessary by the planning director.

D. A completed final short subdivision application and the package shall be accompanied by a fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the final short subdivision package, reviewing submittals, and inspecting any improvements required as a condition of approval, which costs shall be paid before approval of the final short subdivision.

~~The original reproducible final short subdivision map and application package shall be submitted to the planning department for review. The administrator shall approve the short subdivision by signing an approval on the final short subdivision map.~~

E. After approval of the final short plat, the administrator shall indicate said approval by signing the original and all copies of the final short plat map, provided the subdivider furnishes the following:

1. Tax Statement. A certificate from the county treasurer indicating that all taxes and assessments on said property included in the final short plat have been paid.

2. Filing Fees. A check payable to the county auditor for the full amount of filing / recording fees according to the provisions of RCW § 36.18.010, as thereafter amended, unless the city requests that the applicant complete the filing / recording.

3. A title report confirming that the title of the lands as described and shown on said short plat is in the name of the owners signing the certificate or instrument of dedication shall be furnished before acceptance of short plat.

4. Protective covenants, if any, in form for recording.

5. The subdivider shall provide the original of the short plat for recording, and a reproducible copy for the city. The original shall be on a material acceptable to the county auditor. The city may also require that the short plat be provided in a specific electronic format for use in the city's computer aided drafting system.

F. The following signatures, as applicable, shall be on the face of the final short plat.

1. Property owners of record

2. Spokane County Auditor's Certificate

3. Surveyor's Certificate

4. Spokane County Assessor

5. Spokane County Treasurer

6. City of Millwood Planning Department:

Examined and approved this _____ day of _____, 20__.

City of Millwood Planning Director

7. City of Millwood Engineer:

Examined and approved this _____ day of _____, 20__.

City of Millwood Engineer

8. City of Millwood Public Works Department:

Examined and approved this _____ day of _____, 20__.

City of Millwood Public Works / Utilities Director

Upon final approval by the administrator, and once all required signatures have been affixed or approval letters have been obtained, the ~~applicant shall file the~~ final short subdivision map shall be filed with the Spokane County auditor along with a title notice prepared by the city that references the conditions of approval, as applicable and ~~request~~ appropriate tax segregations from the Spokane County assessor. The applicant shall be responsible to pay the fee to Spokane County to record the final short subdivision map and title notice. A short subdivision is not deemed approved until all of these conditions have been met including filing the final short subdivision map with the Spokane County auditor. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. 321 (part), 2002)

16.04.050 Granting of final approval before completion of improvements upon posting of bond or security.

Final approval may be obtained before the improvements are completed provided the applicant posts a bond or other security acceptable to the administrator to insure that the improvements will be completed within a time period acceptable to the administrator.

(Ord. 226 (part), 1993)

16.04.060 Imposition of conditions and requirements—Denial—Appeal—City council shall render decision.

If the administrator imposes any condition, requirements for improvements or denies the short subdivision application, the administrator shall state the reasons therefore in writing and the applicant shall have a right to appeal the decision ~~in conformance with MMC 14.12.140.to the city council. Such appeal shall be filed with the city clerk-treasurer in writing within twenty-one (21) days of the administrator's denial of the application and the city council shall render a decision within sixty (60) days of the filing of the appeal.~~

(Ord. 321 (part), 2002; Ord. 275 (part), 1996: Ord. 226 (part), 1993)

16.04.070 Division of short subdivision—Condition—Exception.

Land within a short subdivision may not be further divided in any manner within a five-year period immediately following filing of a final short subdivision unless such division is approved in accordance with the provision of the subdivision ordinance, except that when the short subdivision contains fewer than ~~four~~the maximum number of parcels, nothing in this ordinance shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of ~~four~~nine (9) lots within the original short subdivision boundaries. Alterations to create additional lots shall be processed under the provisions of this ordinance.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

16.04.080 Reserved.

Editor's note(s)—Ord. No. 386, § 2, adopted Nov. 2, 2009, repealed § 16.04.080, which pertained to amendment to chapter and derived from Ord. No. 226 (part), 1993.

16.04.090 Violation—~~Penalty.~~

Refer to Chapter 16.32 for enforcement and penalty for violations.

~~A violation of this chapter shall be a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment in jail for a period not to exceed ninety (90) days, or both such fine and imprisonment. The city may also seek injunctive relief enjoining the violator from selling or transferring any lots or constructing improvements on any lots and the city's costs and attorney's fees of such action shall be assessed against the applicant. Each violation shall constitute a separate offense.~~

(Ord. 226 (part), 1993)

16.04.100 Exemptions.

An applicant that requests a segregation of property that had been previously aggregated may be exempt from this chapter if each of the following conditions are satisfied:

- A. The new division reestablished the original property lines;
- B. The reestablished lots conform with the city's zoning and development regulations in effect at the time of the requested segregation, or any Washington State laws or regulations;

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- C. Easements and other encumbrances must be revealed by the applicant and taken into consideration by the administrator;
 - D. A fee as set forth by resolution of the city council ~~A fee of fifty dollars (\$50.00)~~ is paid to the city by the applicant for review and approval of the segregation by the city planner, or in the absence of a planner, the city clerk ~~clerk treasurer~~.

(Ord. 275 (part), 1996)

Chapter 16.06 UNIT LOT SUBDIVISIONS (ULS) AND ADMINISTRATIVE LOT SPLITS

16.06.010 Unit Lot Subdivision (ULS)

- A. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.
 - 1. Process. Unit lot subdivisions shall follow the application, review, and approval procedures, as applicable, for a short subdivision or subdivision, depending on the number of lots.
 - a. Nothing prohibits the city 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.
 - b. Nothing requires the city 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.
 - 2. Applicability. A lot to be developed with attached or detached housing allowed per MMC Chapter 17.06, Table of Permitted Uses including 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, in order to allow for individual ownership of each dwelling.
 - a. A condominium process (as outlined in RCW 64.90, as amended) and ULS can be combined in cases where a unit lot has or will have stacked units and separate unit ownership is desired.
 - 3. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.
 - 4. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
 - 5. 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.
 - 6. 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.

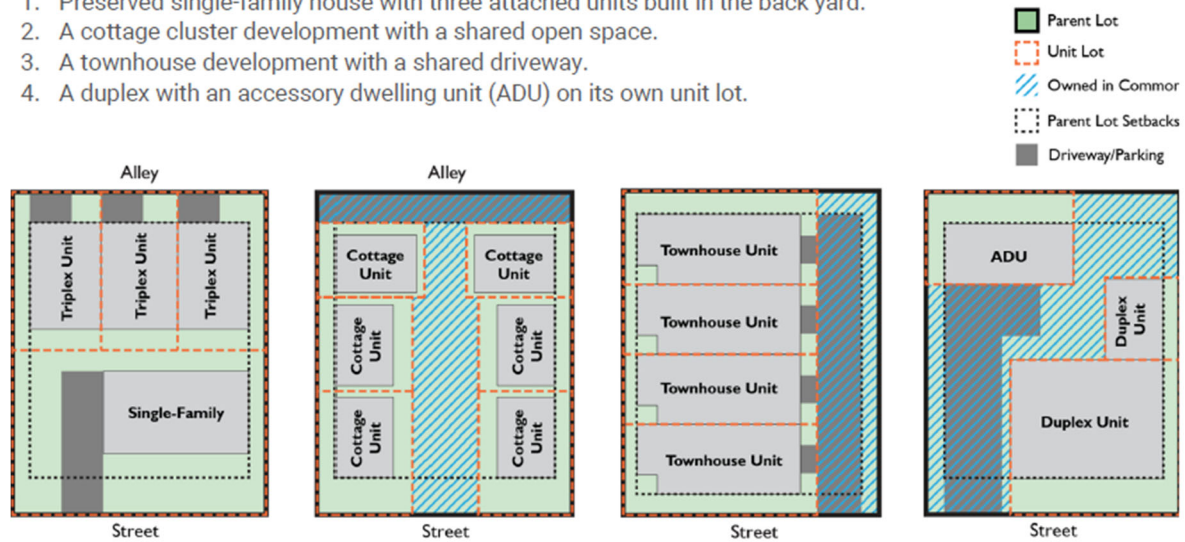
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7. Notes shall be prominently placed on the face of the plat or short plat as recorded with the county auditor to state the following:
 - a. The title of the plat shall include the phrase "Unit Lot Subdivision."
 - b. Approval of the development (design and layout) on each unit lot was granted by the review of the development, as a whole, on the parent lot under file # _____.
 - c. 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 in effect at the time of the proposed actions, additions, or modifications.
 - d. 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.
 - e. 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.
 8. 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 city. All development shall be subject to any conditions imposed by the city on the preliminary approval.
 - a. All unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060 and identified under 16.06.010(A)(7).
 9. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision or subdivision, as applicable based on the number of lots. Refer to Section 16.02.060 Time limitations.
 10. Definitions. Refer to Chapter 16.08.
 11. Process procedures. ULS shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process.
 - a. 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 chapter 90.58 RCW, the Shoreline Management Act, when applicable.
 - b. All property owners and the community within 250 feet of the unit lot subdivision shall be provided notice, consistent with RCW 36.70B.110, including through notice posted on the closest public sidewalk or roadway of how to provide written comments to the administrative decision maker,
 - c. 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 feasible and apply only clear and objective design and development standards.
 - d. Review of a unit lot subdivision shall be subject to the maximum time period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-

specific mutual agreement as permitted by RCW 36.70B.080 (refer to MMC Section 14.12.025).

B. ULS Examples

The following examples illustrate how setbacks apply to a parent lot and unit lots.

1. Preserved single-family house with three attached units built in the back yard.
2. A cottage cluster development with a shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



16.06.020 Administrative Lot Splits (RCW 58.17.145)

A. Purpose.

Per the Washington State Legislature, administrative lot splits are an administrative process whereby an existing residential lot can be split to create a new residential lot through a simple, administrative process that can offer many advantages to both the existing homeowner and to prospective homebuyers. Administrative lot splitting can provide current owners the opportunity to maintain homeownership in changing life circumstances while facilitating development of middle housing to provide homebuyers, including first-time homebuyers, with more affordable ownership opportunities. Administrative lot splitting can be combined with the review of a residential building permit application to create a single integrated process benefiting both homeowners and cities. Therefore, it is the intent of the legislature to ease restrictions on, and expand opportunities for, lot splitting in cities.

- An applicant can seek review and approval of an administrative lot split, which may be combined with concurrent review of a residential building permit to create new middle housing, as defined in RCW 36.70A.030, or single-family housing, consistent with housing allowed per MMC Chapter 17.06, Table of Permitted Uses.
- The application process for a residential lot to be split may require only an administrative decision, through which the application is reviewed, approved, or denied by the planning director or other designee based on applicable clear and objective development standards, with neither a predecision public hearing, nor any design review other than administrative design review.
- A new buildable residential lot and residential building permit or permits must be administratively approved and are not subject to administrative appeal if they comply with applicable development standards and the following conditions are met:

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1. No more than one newly created lot is created through the administrative lot split;
 2. Both the parent lot and the newly created lot meet the minimum lot size allowed under MMC 17.08.010, which is consistent with the city's adopted Bulk Density Standards in the Millwood Comprehensive Plan and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes;
 3. The parent lot was not created through the splitting of a residential lot authorized by this section;
 4. The parent lot is located in a residential zone and not in an exclusively nonresidential zone including, but not limited to, zones that are exclusively commercial, retail, agricultural, or industrial;
 5. If the lot split would require demolition or alteration of any existing housing that would displace a renter, the applicant must recommend a displacement mitigation strategy that may include, but is not limited to, relocation assistance;
 6. The applicable sewer and water purveyors have issued certificates of availability to serve the newly created lot and dwelling units;
 7. Access and utility rights are granted or conveyed as necessary, on or before recording of the lot split survey, to provide access for the maximum number of dwelling units that could be developed on the newly created lot (unless fewer are contemplated as part of the development)
 - a. Such access rights may be reduced consistent with adopted codes, regulations, or design standards as applicable through review of a subsequent application for a building permit, unit lot subdivision, subdivision application, or short subdivision if less than the maximum number of dwelling units are built on the newly created lot;
 8. The planning director or other designee determines that the application follows all applicable development regulations; and
 9. The lot split survey has been approved by the planning director or other designee and includes a condition on the face of the survey that further lot splits of the parent lot and newly created lot are not authorized by this section. After approval, the lot split survey must be recorded with the county auditor.
- E. A proposed lot split may be conditioned upon dedication of right-of-way on the parent lot to the extent such dedication is required under applicable codes, regulations, and design standards for the development, short plat, or subdivision of the parent lot absent an administrative lot split.
- F. Development of dwelling units on the newly created lot may be conditioned upon construction of frontage improvements to a right-of-way adjacent to either the parent lot or the newly created lot to the extent required under applicable codes, regulations, and design standards.
- G. Any construction on the newly created lot is subject to all existing state and local laws including those specified in this section. Nothing in this section modifies the requirements for approval of residential building permits in RCW Chapter 19.27.
- H. The city may not impose a limit on the total number of dwelling units allowed on the parent lot or newly created lot that is less than the number of dwelling units allowed by the underlying zoning of the parent lot prior to the administrative lot split.
- I. Notwithstanding the provisions of this section, lots that are not buildable according to locally adopted development regulations including, but not limited to, critical areas, shorelines, stormwater, setbacks, impervious surface areas, and building coverage standards, are not eligible for a lot split under this section.

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- J. If a lot split results in a lot of a size that would allow for further land division, the lot is not eligible for a lot split but may be divided under other applicable land subdivision processes.
- K. The newly created lot must meet any locally adopted density requirements.
1. Lots created through the administrative lot split process are exempt from the detailed middle housing requirements of RCW 36.70A.635 (including the requirement that the city allow for a minimum of 2 units per residential lot).
- L. Review of an administrative lot split shall be subject to the maximum time period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement as permitted by RCW 36.70B.080 (refer to MMC Section 14.12.025).
- M. Ordinances adopted to comply with RCW 58.17.145 are not subject to administrative or judicial appeal under chapter 43.21C RCW and The city is immune from any liability, loss, or other damage suffered by another that is related to the city's approval of a lot split under chapter 301, Laws of 2025, including if the lot split creates a lot that is later determined to not be buildable.

Chapter 16.08 DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this chapter apply throughout this title. Additional definitions are contained within Title 17 Appendix A.

~~16.08.005 Adequate public facilities.~~

"Adequate public facilities" means facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the city council based upon specific levels of service.

"Administrator" of the planning commission means the director of the Millwood Planning Department.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.005.1 Alley.~~

"Alley" means a strip of land, up to twenty (20) feet in width, dedicated and open to public use and providing vehicular and pedestrian access to the rear and/or side of properties which abut and have access to a road. Alleys shall only provide secondary access to properties, unless otherwise approved by the city.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.006 Block.~~

"Block" means a group of lots, tracts, or parcels within well defined and fixed boundaries.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.007 Bond.~~

"Bond" means a satisfactory security to insure performance and/or warranty.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.009 Capital improvement.~~

"Capital improvement" means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city.

"Capital improvements plan" means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of five to twenty (20) years.

"Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.009.1 Certificate of exemption.~~

~~"Certificate of exemption" means a document issued by the planning department which formally exempts a division of land from full compliance with certain state and local land development laws and regulations as identified in the exemption provisions of this title.~~

"Clear and objective design and development standards" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.010 Comprehensive plan.~~

"Comprehensive plan" means the City of Millwood Comprehensive Plan which is the official document adopted by the city council as a guide for decisions relating to future physical development and public resources.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.011 Capital improvements plan.~~

~~"Capital improvements plan" means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of five to twenty (20) years.~~

~~"Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.~~

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.013-Concurrency.~~

"Concurrency" means a requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

"Concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by RCW 36.70A.070(6)(b) must begin after full payment of all impact fees is due to the city.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.015-Contiguous property.~~

"Contiguous property" means land adjoining and touching other land, not previously platted, and having the same owner, regardless of whether or not portions of the parcels have separate tax lot numbers or were purchased at different times, lie in different sections, different government lots, or are separated from each other by private road or private rights-of-way.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.017-Construction plan.~~

"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commissioncity as a condition of the approval of the plat.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.018-Credit.~~

"Credit" means the amount of the reduction of an impact fee or fees, payments or charges for the same type of capital improvement for which the fee has been charged.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.019-Critical areas.~~

"Critical areas" means areas as defined in the Millwood critical areas ordinance.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.020-Dedication.~~

"Dedication" means the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. A dedication

of an area of less than two acres for use as a public park may include a designation of a name for the park, in ~~honor~~honor of a deceased individual of good character.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.021 Dedicatory statement.~~

"Dedicatory statement" means a statement or illustration on the final plat of those conditions and restrictions required to appear on the face of the final plat as a condition of preliminary plat approval.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.021.1 Department.~~

"Department" means the Millwood Planning Department.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.022 Development agreement.~~

"Development agreement" means an agreement between the city council and developer through which the city council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.025 Division of land.~~

"Division of land," for the purposes of this title, is any conveyance, not otherwise exempt or provided for in this title, which alters or affects the shape, size or legal description of any part of an owner's original tract.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.030 Final plat/final short plat.~~

"Final plat/final short plat" means final drawing of the subdivision or dedication prepared for filing for record with the Spokane County auditor and containing those elements and requirements set forth in this ~~chapter~~title and in local regulations adopted under this ~~chapter~~title.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.036 Impact fees.~~

"Impact fees" means a fee imposed on new development by the local government pursuant to the city's comprehensive plan in order to mitigate impacts on community facilities created by the demand for capital improvements by the new development.

(Ord. No. 386, § 3, 11-2-2009)

16.06.037 Lot.

"Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Lot, parent" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

"Lot split" means the administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership pursuant to RCW 58.17.145.

"Lot split survey" means the final survey prepared for filing for record with the county auditor and containing all elements and requirements for a lot split under RCW 58.17.145 and any local regulations (refer to Section 16.06.020 Administrative Lot Split).

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

(Ord. No. 386, § 3, 11-2-2009)

16.08.039 Money in lieu of land.

"Money-in-lieu-of land" means payment of money into a city fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.

"New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to this title, the issuance of a building permit, or connection to the city's water or sanitary sewer system.

"Newly created lot" means a lot that was created by a lot split under RCW 58.17.145 and MMC Section 16.06.020 Administrative Lot Split.

(Ord. No. 386, § 3, 11-2-2009)

16.08.040 Planning commission.

~~"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.~~

(Ord. No. 386, § 3, 11-2-2009)

16.08.042 New development.

~~"New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to this title, the issuance of a building permit, or connection to the city's water or sanitary sewer system.~~

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.048 Off-site.~~

"Off-site" means any improvements not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.050 Official plans.~~

"Official plans" means those official maps or map, development plans or portions thereof, adopted by the city council as provided in Chapter 44, Section 6, Laws of 1935, as amended.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.055 Original tract.~~

"Original tract" means a unit of land which the owner holds under single or unified ownership, or in which the owner holds controlling interest on the effective date of the ordinance, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others not related to or associated by business partnership with the owner.

"Parent lot" means a lot that is subjected to a lot split under RCW 58.17.145 and MMC Section 16.06.020 Administrative Lot Split.

"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.058 Plat.~~

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.058.1 Plat certificate.~~

"Plat certificate" means a title report prepared by a title company for the property contained in a proposed subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

"Preliminary approval" means the official favorable action taken on the proposed short plat, plat, subdivision, or dedication by the city council meeting in official session decision body as outlined in this code.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.059 Preliminary plat.~~

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements set forth in this title and in RCW Chapter 58.17. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.060 Proposed plat.~~

"Proposed plat" means a preliminary plan of the plat, subdivision or dedication containing the elements and requirements set forth in ~~Sections 16.12.070 and 16.12.080~~Chapter 16.12 of this code.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.071 Public improvement.~~

"Public improvement" means any structure or work constructed including but not necessarily limited to roads; alleys; sidewalks, storm drainage systems and ditches and dikes; sanitary sewage facilities or main lines, and storm drainage containment facilities; and all other subgrade utility services such as telephone, gas and water.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.072 Public roads.~~

"Public roads" means the free and public roads, ways, alleys and streets which every person has the right to use and shall include community arterials, neighborhood streets and residential streets, some of which may or may not be portions of the primary or secondary highway system of the state of Washington.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.075 Short plat.~~

"Short plat" means the map or representation of the short subdivision.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.076 Short plat administrator.~~

"Short plat administrator" means the director of the planning department, or ~~his/her~~ designee.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.077 Short subdivision.~~

"Short subdivision" means the division or redivision of land into ~~four~~nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.080 Subdivider.~~

"Subdivider" means a person who undertakes to create a subdivision.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.090 Subdivision.~~

"Subdivision" means the division or redivision of land into five-ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.100 Preliminary approval.~~

~~"Preliminary approval" means the official favorable action taken on the proposed plat, subdivision, or dedication by the city council meeting in official session.~~

(Ord. No. 386, § 3, 11-2-2009)

~~16.08.110 Administrator.~~

~~"Administrator" of the planning commission means the director of the Millwood Planning Department.~~

(Ord. No. 386, § 3, 11-2-2009)

Chapter 16.10 BINDING SITE PLAN (BSP)

Approval of a general binding site plan for industrial or commercial divisions shall follow the processing and review procedures for a preliminary short plat, in accordance with Chapter 16.04 and MMC Section 14.12.025, Applications / Project Classification Types and Review Process, with allowance for approval of an overall BSP boundary with specific lots created subsequent to the general binding site plan approval. BSPs shall be allowed pursuant to Section 16.02.050.

The final binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor via a record of survey, along with a title notice prepared by the city that references the conditions of approval, as applicable. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by Millwood zoning and development regulations and as defined in the general binding site plan approval. Conditions of approval shall be met prior to filing the final BSP / record(s) of survey. Documents must be recorded within sixty (60) days of approval by the city.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW in addition to the MMC and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

Chapter 16.12 PRELIMINARY PLAT

16.12.005 Preliminary plat of subdivisions and dedications—Submission for approval—Procedure.

A. A preliminary plat of proposed subdivisions and dedications of land shall be reviewed in accordance with the following chapters within Title 16 in addition to other applicable portions of the MMC:

1. Chapter 16.02 General Provisions;
2. Chapter 16.08 Definitions;
3. Chapter 16.12 Preliminary Plat;
4. Chapter 16.16 Minimum Improvements; and
5. Chapter 16.24 Design Standards;

~~submitted for approval to the city council.~~

B. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

C. Preliminary plats shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process. The city shall provide or shall cause public notice of the application to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments, recommendations, and recommended conditions.

(Ord. No. 386, § 4, 11-2-2009)

16.12.010 Approval required.

No person, firm or corporation having made or making a plat, subdivision or dedication containing ~~five-ten~~ (10) or more lots, plots, tracts or other subdivision or dedication of land within the territorial limits of this city shall enter into any contract for the sale of, or shall offer to sell the subdivision or any part thereof or shall proceed with any construction work in the proposed subdivision until he has obtained ~~from the city council~~ final approval in accordance with this title; providing, however, that construction work on proposed rights-of-way, including grading and utilities, may be commenced at any time after the approval of the preliminary plat.

(Ord. No. 386, § 4, 11-2-2009)

16.12.015 Processing with other applications.

[Reserved]

(Ord. No. 386, § 4, 11-2-2009)

16.12.020 General procedure.

~~Prior to filing an application with the city, the applicant shall have a pre-application conference with the planning department and applicable agencies to obtain application forms and receive general information regarding the subdivision process. Following the pre-conference, the applicant may submit a preliminary plat application for review. The subdivider may consult with the planning commission or the planning department freely and without prejudice in developing a proposal for a subdivision, before making formal application for approval.~~ The general procedure is as follows:

- ~~1A.~~ The subdivider, **his their** land surveyor, or **his their** agent, while the proposed plat is in sketch form and before application is made ~~for approval by the planning commission~~, shall meet with the planning department **and applicable agencies** to determine the proposed site's current designation under the city's zoning code and comprehensive plan as well as any regulations relating to the development of the site, and the process of obtaining preliminary and final plat approval. Nothing contained in this meeting shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees, or agents for any injury or damage resulting from the failure to comply with city regulations, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of said regulations, or by reason of any action or inaction on the part of the city related in any manner of the enforcement of these regulations by its officers, employees, or agents.
- ~~2B.~~ The applicant shall make written application **in accordance with Section 16.12.025; and** pay the city an application processing fee as established by the city council, ~~and provide six copies of the preliminary plat to the planning department. The applicant shall also file a copy of the environmental checklist, if necessary, and pay a SEPA review fee as established by city council.~~
- ~~3C.~~ **In accordance with MMC Section 14.12.025, the planning department will process the application, review and route the application, and provide public notice and comment opportunities. within twenty-eight (28) days will notify the applicant as to its completeness. If the application is deemed incomplete, the planning department will notify the applicant and specify what is required to complete the application.**
- ~~4.~~ **Within fourteen (14) days of receiving a completed application, the city will make public notice that the application has been received. The public will then have not less than fourteen (14) days and not more than thirty (30) days to review the application and make comments.**
- ~~5.~~ **The preliminary plat application, development plan, and SEPA checklist will be internally circulated and reviewed by city departments for comment and recommended environmental threshold determination and possible mitigation measures.**
- ~~6.~~ **The planning department will inform the applicant, in writing, of the SEPA threshold determination and of any changes or mitigation measures that will be required of the project.**
- ~~7.~~ **Once an approved development plan has been accepted, the planning department will schedule a public hearing before the planning commission and distribute all pertinent information to the planning commission before the public hearing is held.**

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- 8D. Reports of all officials concerned shall be reviewed at the an open record public hearing, and final form agreed upon, with or without modification of original proposal. When the final form is presented, the preliminary plat is recommended for approval or disapproval by the planning commissionhearing body with conditions of approval, as needed.
- 9I. After approval of the preliminary plat has been recommended by the planning commissionhearing body, the recommendation shall be submitted to city council for action, unless the hearing body also renders the decision. Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process.
- 10J. The preliminary approval of the proposed plat shall be effective for five years from the date of approval by the city council a period of time outlined in Section 16.02.060 Time Limitations, unless an extension of time is approved. unless extended by the planning commission. All requests for an extension must be in writing, and signed by the applicant. Two one-year extensions may be granted by the planning commission, and processed in accordance with Section 16.02.060 Time Limitations.
- 11K. The subdivider completes minimum improvements as specified in the conditions of preliminary plat approval, consistent with Chapter 16.16, and any required SEPA mitigation.
- 12L. The applicant files for final plat approval, in accordance with the timeline outlined in Section 16.02.060 Time Limitations and Chapter 16.20, Final Plats.

(Ord. No. 386, § 4, 11-2-2009)

16.12.025 Application packet and fees.

- A. Anyone requesting a subdivision shall submit a written preliminary subdivision application, as provided by the city, in pdf and hard copy, to the planning department containing:
1. The applicant's name, address, email, and phone number;
 2. The name, address, email, and phone number of the legal owner if different than that of the applicant;
 3. The names, addresses, emails, and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option;
 4. The notarized signatures of all parties;
 5. The existing zoning classifications and comprehensive plan designations for the property proposed to be platted and contiguous property;
 6. The source of water supply;
 7. The source of sewage disposal;
 8. Any other information deemed appropriate by the city planner.
- B. A title certificate in pdf and hard copy, issued by a title insurance company doing business in Spokane County, showing interest of the person(s) signing the short plat and showing all restrictions encumbering the land.
- C. Legal description of proposal site in pdf and hard copy, with the source of the legal description clearly indicated.

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- D. The preliminary subdivision map in pdf and hard copy, which shall be a legibly drawn map, twenty-four (24) inches by thirty-six (36) inches in size, and with a scale of 1"=100'. The preliminary subdivision map, prepared by a licensed land surveyor, shall contain the following:
1. Name, address, and telephone number of the owner and the person with whom official contact should be made;
 2. Location of the site by section, township, range;
 3. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots proposed, the proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
 4. Vicinity map which shall indicate the property to be subdivided;
 5. North arrow, scale, and the boundary of the proposed subdivision;
 6. Datum, benchmarks, and metes and bounds description of the site;
 7. Certification of registered land surveyor;
 8. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
 9. The location, names, and widths of all existing and proposed streets, roads, alleys, driveways / access easements, and sidewalks within the proposed subdivision and within 100 feet thereof;
 10. All existing or proposed easements, divisions, or sites to be reserved or proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
 11. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, wetlands, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
 12. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
 13. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
 14. Ground elevations, with five-foot contours if land slope is regular; more detailed mapping may be requested for uneven land. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a licensed land surveyor;
 15. A list containing each dedication and encumbrance on the property;
 16. A legal description for each proposed lot.
 17. A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch showing all adjacent subdivisions, streets, tract lines, bordering lines of adjacent parcels and showing how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood, as applicable.
- E. One reduced to scale hard copy of the preliminary subdivision in eleven (11) by seventeen (17) inches in size.

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- F. The Spokane County Assessor's map in pdf and hard copy, showing the location of and the existing parcel number of all properties within 250 feet of the subject property. The approximate location of the subject property shall be clearly marked.
 - G. A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable notification instructions, for each of the identified properties. Completed certification forms contained in the applicable notification instructions must also be submitted.
 - H. Environmental Checklist and SEPA fee, if the division of land is not exempt under the Millwood Environmental Ordinance.
 - I. A utility plan showing existing and proposed utilities and easements adjacent to the property being subdivided, the vertical scale of street and sewer profiles shown shall be at ten (10) feet or less to the inch, with a horizontal scale of four hundred (400) feet or less to the inch.
 - J. Completed Agreement to Pay Fees form.
 - K. Letters in pdf and hard copy, from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

Said application shall be accompanied by an application fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the application, reviewing submittals and inspecting any improvements required as a condition of approval, which costs shall be paid before final approval of the short subdivision.

16.12.030 Preparation and copies.

The preliminary plat, ~~subdivision or dedication~~ shall be prepared by the developer, or ~~his~~ their land surveyor according to the requirements as set forth in Sections 16.12.025 and 16.12.070, ~~16.12.080~~.

~~Six copies shall be submitted to the planning commission's administrator, accompanied by an application prepared by the subdivider, requesting approval of the proposed plat.~~

~~The planning commission's administrator shall submit one copy of the subdivider's application to the Spokane County auditor, one copy to the city engineer and one copy to the subdivider. A fourth copy shall be retained by the planning commission for its files. The planning commission's administrator shall submit copies of the preliminary plat to the city engineer, department heads, and others, as may be prescribed by resolution of the planning commission, or necessary for specific plat.~~

(Ord. No. 386, § 4, 11-2-2009)

16.12.040 Conformance and recommendations.

The ~~planning commission~~ planning director or designee shall check the preliminary plat to make certain that it conforms to the requirements of this code and the official comprehensive plan or any portions thereof, as applicable.

The city engineer and other officials concerned with the proposal within the scope of their municipal functions, shall make their respective recommendations in written report form to the ~~planning commission~~ hearing body at the time of the hearing, or shall submit their recommendations to the ~~planning commission's administrator~~ planning director or designee, prior to the hearing.

(Ord. No. 386, § 4, 11-2-2009)

16.12.050 Notice of Application and Notice of Hearing~~hearing~~.

Refer to MMC Section Chapter 14.12 for information on the Notice of Application and Notice of Hearing in addition to Section 14.12.025, Applications / Project Classification Types and Review Process.

- A. ~~Upon receipt of a complete application for preliminary plat approval, the planning director shall provide public notice and set a date for a public hearing at an official meeting of the planning commission. Except as provided in RCW § 36.70B.110, at a minimum, notice of the hearing shall be given in the following manner:~~
- ~~1. Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the city;~~
 - ~~2. Notice shall be posted not less than ten days prior to the hearing in at least two conspicuous places on or adjacent to the property to be platted;~~
 - ~~3. Notice of the hearing shall be sent not less than ten days prior to the hearing by way of the U.S. mail to all owners of real property, as shown by the records of the county assessor, located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred (300) feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided;~~
 - ~~4. Notice for the hearing for a preliminary plat located adjoining the municipal boundary shall be given to the county planning director, and for a preliminary plat located adjoining to a county road to the county engineer, at least twenty (20) days prior to the hearing date;~~
 - ~~5. Notice for the hearing for a preliminary plat located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation.~~
- B. ~~All hearings on the proposed plat shall be public.~~
- C. ~~All hearing notices shall include a description of the location of the proposed subdivision, and the time, date, and location of the hearing. The description of the location of the proposed subdivision may be in the form of either a vicinity location sketch or a written description other than a legal description. Notices to the Washington State Department of Transportation shall include a legal description of the subdivision and a location map.~~

~~(Ord. No. 386, § 4, 11-2-2009)~~

16.12.055 Public notice—Identification of affected property.

Any notice made under this chapter that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch or other reasonable means.

(Ord. No. 386, § 4, 11-2-2009)

16.12.060 Approval or rejection.

- A. The ~~planning commission~~hearing body shall review all preliminary plats and make recommendations thereon to the city council, unless the hearing body also renders the decision. Refer to MMC Section

14.12.025, Applications / Project Classification Types and Review Process. ~~to assure~~ Recommendations and approvals must assure conformance of the proposed subdivision to the general purposes of the comprehensive plan, and to any applicable zoning ordinance or other land use controls which may exist, and to such planning standards and specifications as may have been adopted by the city council. ~~Reports of the planning commission~~ When decisions are rendered by the city council, ~~recommendations of the hearing body shall be advisory only. Such recommendation shall be submitted to the city council not later than fourteen (14) days following action by the planning commission.~~

~~B1.~~ Upon receipt of the recommendation on any preliminary plat, the ~~city council shall at its next public meeting set the~~ date for the public meeting where ~~the city council~~ it shall consider the recommendations of the ~~planning commission~~ hearing body shall be set. ~~and The city council~~ may adopt or reject the recommendations of the ~~planning commission~~ hearing body based on the record established at the open record public hearing. If after considering the matter at ~~a the~~ closed record public meeting, the city council deems a change in the ~~planning commission~~ hearing body's recommendation approving or disapproving any preliminary plat is necessary, the city council shall adopt its own written recommendations findings and approve or disapprove the preliminary plat.

2. A special meeting of the hearing body and/or the city council may need to be held in order to meet the deadline for review of a preliminary plat in accordance with MMC Section 14.12.025 and RCW 58.17.

~~CB.~~ Every decision or recommendation made under this chapter shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation. A record of all public meetings and public hearings shall be kept in the office of the city clerk, and shall be open to public inspection.

(Ord. No. 386, § 4, 11-2-2009)

16.12.070 General requirements.

The preliminary plat, containing all the information specified in this chapter, shall be prepared and mapped by a professional land surveyor ~~or professional engineer~~ licensed in the state of Washington, within an accuracy of two percent. All mapped information shall be prepared in a neat and legible manner in pencil or ink, and on high grade paper.

(Ord. No. 386, § 4, 11-2-2009)

16.12.080 Application.

~~The application for preliminary plat, subdivision, or dedication shall consist of: a complete application form, six copies of the preliminary plat map, and supporting documents.~~

~~1. The application form shall be provided by the planning department and shall contain the following information:~~

~~a. The name, address and telephone numbers of the owner(s) of the property to be subdivided;~~

~~b. The names, addresses and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option;~~

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- c. ~~The existing zoning classifications and comprehensive plan designations for the property proposed to be platted and contiguous property;~~
 - d. ~~The square footage computation for each lot or parcel sufficiently accurate to show that each lot or parcel contains at least sufficient footage to meet minimum zoning requirements as outlined in Section 21.44.010 of this code;~~
 - e. ~~The source of water supply, if any;~~
 - f. ~~The source of sewage disposal, if any;~~
 - g. ~~Signatures of the owner(s) and date signed; and~~
 - h. ~~Notary public stamp.~~
2. ~~The preliminary plat map shall be prepared by or under the direction of a professional land surveyor or professional engineer licensed in the state of Washington, on paper twenty four (24) inches by thirty six (36) inches in size, and shall clearly show the following features and information on one or more maps or drawings:~~
- a. ~~Horizontal scale of the preliminary plat, one hundred (100) feet to the inch;~~
 - b. ~~Present and proposed tract designation;~~
 - c. ~~Notation stating acreage;~~
 - d. ~~North arrow;~~
 - e. ~~Datum and benchmarks;~~
 - f. ~~Certification of registered land surveyor;~~
 - g. ~~Boundary lines and distances of the property to be subdivided, of each lot and block contained therein, and of original tract or contiguous land;~~
 - h. ~~Easements, roads and rights of way, existing and proposed, with their location, width and purpose within the area to be subdivided and within one hundred (100) feet thereof;~~
 - (i) ~~Any street access locations shown on the final plat are subject to granting of a valid street access permit;~~
 - i. ~~Streets and alleys on and adjacent to the tract; name and right of way width and location; type, width and elevation of surfacing; any legally established centerline culverts, gutters, etc., with appropriate grade and gradients; street names;~~
 - j. ~~The location of permanent and topographic features which will have an impact upon the subdivision including but not limited to water courses, wetlands, unique soils, railroad rights of way, utility rights of way, and subsurface conditions;~~
 - k. ~~Ground elevations, with five foot contours if land slope is regular; more detailed mapping may be requested for uneven land;~~
 - l. ~~Lot lines, lot numbers and block numbers;~~
 - m. ~~Metes and bounds description;~~
 - n. ~~Sites, if any, to be reserved, dedicated, or offered for sale for parks, playgrounds, or other public uses;~~
 - o. ~~Building setback lines;~~

p. ~~Sites, if any, to be reserved, dedicated, or offered for sale for parks, playgrounds, or other public uses;~~

q. ~~A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch shall accompany the preliminary plat. The vicinity sketch shall show all adjacent subdivisions, streets and tract lines and bordering lines of adjacent parcels. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood.~~

3. ~~Supporting Documents:~~

a. ~~A utility plan showing utilities and easements adjacent to the property being subdivided, existing and proposed; the vertical scale of street and sewer profiles shown shall be at ten feet or less to the inch, with a horizontal scale of four hundred (400) or less feet to the inch;~~

b. ~~Draft of protective covenants to be imposed upon the use of the land, if any;~~

c. ~~A current title certificate from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;~~

d. ~~A current list obtained from the county assessor of the names and addresses of property owners of each lot or parcel of property located within three hundred (300) feet of the property proposed to be subdivided.~~

(Ord. No. 386, § 4, 11-2-2009)

16.12.090-080 Factors to be considered.

- A. The city ~~council~~ shall ~~inquire into~~interview the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:
1. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for utilities including electric and gas, for fire safety, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school as well as other pedestrians; and
 2. Whether the public interest will be served by the subdivision and dedication;
 3. Whether all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such condition;
 4. Whether the proposed subdivision would not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
 5. Whether the subdivider has taken every effort to mitigate the impact of the proposed subdivision regarding public health, safety, and welfare. If the city ~~council~~ determines that these impacts are not mitigated, it may disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the comprehensive plan, in accordance with Washington State law.

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- B. A proposed subdivision and dedication shall not be approved unless the city ~~council~~ makes a written finding that appropriate provisions are made for the factors to be considered contained in subsection (A) of this section.
 - C. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the city ~~council~~ shall approve the proposed subdivision and dedication.
 - D. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed by the city ~~council~~ under RCW Chapters 82.02.050 through 82.02.09-100 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property or is inconsistent with Washington State law.
 - E. The city ~~council~~ shall not as a condition to the approval of any subdivision, require a release from damages to be procured from other property owners.

(Ord. No. 386, § 4, 11-2-2009)

16.12.100-090 Public improvements.

- A. The ~~planning commission~~city shall require the applicant to indicate on the plat all roads and public improvements that are to be dedicated, all utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the ~~planning commission~~city.
- B. If the city ~~council~~ does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the mayor, the city ~~council~~ shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Chapter 16.16.

(Ord. No. 386, § 4, 11-2-2009)

16.12.110-100 Flood, inundation or swamp conditions.

- A. The city ~~council~~ shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.
- B. No plat shall be approved by the city ~~council~~ covering any land situated in a flood control zone as provided in RCW Chapter 86.16 and MMC Title 18, without the prior written approval of the Department of Ecology of the State of Washington.

(Ord. No. 386, § 4, 11-2-2009)

16.12.120-110 Appeal of decision.

Any final decision of the city ~~council~~ approving or disapproving any plat shall be reviewable under the provisions of RCW Chapter 36.70(c).

(Ord. No. 386, § 4, 11-2-2009)

Chapter 16.16 MINIMUM IMPROVEMENTS

16.16.010 Methods.

If the preliminary plat is approved by the city ~~council~~, the subdivider, before requesting final approval, shall carry out minimum improvements in accordance with the provision of this chapter by one of the following methods:

- ~~1A.~~ By furnishing the city with a performance bond or other form of surety in lieu of actual construction of improvements, satisfactory to the city attorney, in which assurance is given the city that the actual construction and installation of the minimum improvements will be carried out as provided in this chapter and other city ordinances, and according to the specifications of the city engineer, within two years from the date the final plat is filed for record with the county auditor.
- ~~2B.~~ By actual construction and installation of minimum improvements in accordance with the provisions of this chapter and in accordance with the installation requirements and under the supervision of the city engineer.
- ~~3C.~~ By a combination of these methods.

(Ord. No. 386, § 5, 11-2-2009)

16.16.020 Notice of method.

The subdivider shall give written notice of the method ~~he/she elects~~they elect to carry out minimum improvements to the planning department.

(Ord. No. 386, § 5, 11-2-2009)

16.16.030 Inspection.

After completing all minimum improvements, the subdivider shall make written request to the public works department for inspection by the city engineer. After finding that all improvements have been completed in accordance with the installation standards, the city engineer shall so certify to the planning department.

(Ord. No. 386, § 5, 11-2-2009)

~~{16.16.040}~~ Preparation of standards.

The city engineer or designee shall prepare minimum installation materials, design, and construction standards appropriate to the locality, topography, soil conditions and geology of the area in which the proposed plat, subdivision, or dedication is to be developed or improved. Said standards shall be made available to the subdivider, or ~~his~~their surveyors, as soon as practicable. The minimum improvements shall be as specified in the conditions of preliminary plat approval, consistent with this Chapter, and any required SEPA mitigation shall include those set forth in Sections 16.20.020 through 16.20.130.

(Ord. No. 386, § 5, 11-2-2009)

16.16.050 Clearing.

All streets shall have all standing timber and brush removed from the right-of-way, and all stumps, down timber and snags cleared and removed within the confines of said street.

(Ord. No. 386, § 5, 11-2-2009)

16.16.060 Grubbing.

All streets shall be grubbed by the removal of all large rocks, roots, snags, logs, brush, etc., upon the surface of the ground and refilling all excavations and holes left by said removal within the confines of said street.

(Ord. No. 386, § 5, 11-2-2009)

16.16.070 Grading, surfacing and drainage.

All streets, alleys, driveways, and lots encompassed in the plat shall meet the following minimum requirements:

- A. Streets shall meet the minimum right-of-way specifications as outlined under Section 16.24.030 of this title.
- B. If any alleys are platted, they must be improved by grading, ballasting with three inches of one and one-quarter-inch crushed surfacing and three inches of five-eighths-inch crushed surfacing and then application of a bituminous surface treatment according to the standards and specifications of the city engineer. All improvements described in this paragraph shall be made to a width of twenty (20) feet.
- C. If any cul-de-sac or dead-end streets are platted, they must be improved in accordance with the design standards of Section 16.24.030 to the type of street it will eventually be and join.
- D. Established grade must be approved by the city engineer.
- E. Minimum compacted thickness of crushed rock laid full width of roadway shall comply with the following specifications:

	Arterials	Residential	Cul-de-sac
Base Rock	1-¼ in. or 1-½—7 inches	3 inches	3 inches
Top Rock	¾ in. or ¾—3 inches	3 inches	3 inches

- F. Apply two-inch asphaltic concrete according to specifications determined by the city engineer.
- G. Install storm sewer lines in accordance with the specifications and requirements of the city engineer.
- H. All water, sanitary sewer, storm sewer, gas, electrical, telephone and other underground utilities involving streets or alleys must be installed and stubbed to property lines of each lot before final grading of the subgrade of each street ~~or~~, alley, or shared driveway access / utility easement.
- I. Where required by adjoining terrain, side or cross drainage facilities will be installed to the specifications of the city engineer.
- J. Rough grade all lots in conformity with a subdivision slope-control map to be furnished by the developer and approved by the city engineer.

-
- K. Install curbs and sidewalks, as well as driveway approaches and shared driveway access / utility easements, in accordance with the city of Millwood specifications. Shared driveway access / utility easements shall be at least ten (10) feet wide in order to separate wet and dry utilities.
 - L. A pdf and six copies of the "as built" plan of all utilities shall be filed with the city of Millwood within ten days after completion of the utility installation. An electronic format such .dwg, as required by the city engineer, shall also be supplied.
 - M. The subdivider shall pay to the city of Millwood and/or applicable utility provider, two hundred fifty dollars (\$250.00) a per lot deposit (in accordance with adopted fee schedules), for the installation of underground ~~electric~~ utilities, and upon payment of such charges, the city shall cause or direct the same to be installed within a reasonable time thereafter.

(Ord. No. 386, § 5, 11-2-2009)

16.16.080 Drains.

Metal or concrete pipe drains across roads where required by the city engineer and roadside ditches sufficient to carry normal runoff, irrigation wastewater, or floodwaters characteristic to the area included in the proposed plat, subdivision or dedication.

(Ord. No. 386, § 5, 11-2-2009)

16.16.090 Culverts or trestles.

All culverts or trestles over waterways, draws or gulches, when over four feet in height, shall conform to the city engineer's specifications and shall be provided with guardrails. Where streets or roads of the subdivision connect to or intersect existing roadways, there shall be installed drains of metal or concrete pipe of not less than twelve (12) inches in diameter.

(Ord. No. 386, § 5, 11-2-2009)

16.16.100 Monuments.

Monuments shall be placed at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as required by the city engineer. The monuments shall be concrete filled iron pipe weighing at least fifty (50) pounds, capped with standard markers furnished by the city engineer. Street monuments shall be set between six inches and one foot below official furnished street grades and in paved streets shall be enclosed in standard monument case.

(Ord. No. 386, § 5, 11-2-2009)

16.16.110 Water mains.

The subdivider shall install all water and sewer lines and connect the same with nearest city lines of adequate capacity as indicated in overall city plan, and certified by the city engineer. The subdivider shall provide fire hydrants, valves, and other fittings in connection therewith as required by the city engineer. Services for all water and sewer to each lot shall be constructed to and stubbed at the property line.

Water mains to be connected into the city system must comply with city ordinances. In no case shall the diameter of the water main be less than six inches unless a smaller diameter is approved by the city engineer in writing, before the plat is submitted and the specific location of the pipe is indicated on a copy of the plat.

(Ord. No. 386, § 5, 11-2-2009)

16.16.120 Sewer lines.

Sewer lines shall be tied in to the city sewer system and must comply with city ordinances. A detailed plan profile of the proposed sewer system showing pipe diameter, pipe location, grade, and manhole location shall be submitted to the city engineer and approved by him before the final plat is submitted.

(Ord. No. 386, § 5, 11-2-2009)

16.16.130 Curbs and sidewalks.

Install concrete curbs and sidewalks in accordance with city standards. [Also refer to MMC Chapter 17.38 General Provisions.](#)

(Ord. No. 386, § 5, 11-2-2009)

16.16.140 Approval by city engineer.

When the subdivider installs pavement, curbs, sidewalks, storm sewers, water supply lines, electrical utilities, and other improvements, all such improvements shall be carried out according to the general sign and installation standards approved by the city engineer.

(Ord. No. 386, § 5, 11-2-2009)

Chapter 16.20 FINAL PLAT

16.20.010 Preparation.

On receipt of the certification as set forth in Section 16.16.030, the ~~planning commission or its administrator~~city shall advise the subdivider to prepare and submit a final plat for that portion of the area contained in the preliminary plat, subdivision, or dedication in which minimum improvements have been installed or concerning which a performance bond has been posted. [A final plat may begin review concurrently with improvement installation.](#)

(Ord. No. 386, § 6, 11-2-2009)

16.20.020 Submission for approval.

- A. The subdivider shall submit the final plat in pdf and hard copy, prepared in accordance with the provisions of this chapter, ~~together with nine copies and~~ payment to the city, for a final plat fee, as established by the city council, a plat certificate in pdf and hard copy that is less than 30 days old at time of submittal, and a completed final plat application. The planning department shall give written and date acknowledgment of receipt to the subdivider, and distribute the final plat for review by the city engineer, public works director, fire chief, and other officials whose approval is required. After these officials have signed the final plat, the planning department shall forward the entire record of final plat to city council for final approval.

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- B. When the city council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this title and such other development regulations adopted by the city council, other applicable state laws, and any local ordinances adopted under RCW Ch. 58.17, which were in effect at the time of application for preliminary plat approval, it shall approve the final plat.
- C. After approval, the final plat shall be signed in accordance with Section 16.20.070 and filed for record ~~by the city~~ with the county auditor along with a title notice prepared by the city that references the conditions of approval, as applicable. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. No. 386, § 6, 11-2-2009)

16.20.030 Approval or rejection.

Final plats shall be ~~approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof unless the applicant consents to an extension of such time period processed in accordance with~~ Section 16.02.060 Time Limitations. If approval is withheld, the original copy of the final plat, together with a list of suggested modifications, prepared in accordance with the provisions of this title and such other development regulations adopted by city council, shall be returned to the subdivider. The city council shall retain a duplicate set of suggested modifications for its files.

(Ord. No. 386, § 6, 11-2-2009)

16.20.040 Additional requirements for approval.

- A. After approval of the final plat, subdivision, or dedication by the city council, the mayor shall indicate said approval by signing the original and all copies, provided the subdivider furnishes the following:
1. Tax Statement. A certificate from the county treasurer indicating that all taxes and assessments on said property included in the final plat, subdivision, or dedication have been paid according to the provisions of RCW §§ 58.08.030 and 58.08.040, as thereafter amended.
 2. Filing Fees. A check payable to the county auditor for the full amount of filing / recording fees according to the provisions of RCW § 36.18.010, as thereafter amended, ~~unless the city requests that the applicant complete the filing / recording.~~
 3. A title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication shall be furnished before acceptance of plat.
 4. Protective covenants, if any, in form for recording.
 5. The subdivider shall provide the original of the plat for recording, and a reproducible copy for the city. The original shall be on a material acceptable to the county auditor. The city may also require that the plat be provided in a specific electronic format for use in the city's computer aided drafting system.

(Ord. No. 386, § 6, 11-2-2009)

16.20.050 General requirements.

The map of the final plat, subdivision, or dedication shall be submitted to the planning department, in the form herewith prescribed:

- ~~1A.~~ The final plat, containing all the information specified in this chapter shall be prepared in a neat and legible manner in drawing ink and on high-grade paper.
- ~~2B.~~ All documents, maps, and survey notes shall contain the name of the subdivision, the name(s) of the subdivider(s), and the name of the registered land surveyor responsible to the subdivider(s).
- ~~3C.~~ The trimmed size of the final plat shall be twenty-four (24) inches by thirty-six (36) inches, and the final plat shall be recorded on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing.
- D. The final subdivision shall indicate the actual net area for each subdivided lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
- E. Final plat maps must be consistent with approved preliminary plat and identify the final plat name and City of Millwood file number.

(Ord. No. 386, § 6, 11-2-2009)

16.20.060 Specific requirements.

- A. The final plat shall clearly show the following information:
 - 1. The lines and names of all streets, alleys, driveways / access easements, and sidewalks or other public ways, parks, playgrounds, or easements intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
 - 2. The lines and names of all existing or platted streets, alleys, driveways / access easements, and sidewalks or other public ways, parks, playgrounds, and easements adjacent to the final plat, subdivision, or dedication, including municipal boundaries, township lines, and section lines.
 - a. Any street access locations shown on the final plat are subject to granting of a valid street access permit.
 - 3. The lengths and bearings of all straight lines, curve radii, arcs, and semi-tangents of all curves.
 - 4. All dimensions along the lines of each lot, with the true bearings and also any other data necessary for the location of any lot lines in the field as well as lot size labeled.
 - 5. Suitable primary control points, approved by the city engineer or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred.
 - 6. The locations of all permanent monuments.
 - 7. The names of all subdivisions immediately adjacent thereof.
 - 8. The date, true north point, scale, datum plane, and date of survey.
 - 9. The boundary of the tract, with courses and distances marked thereon, as determined by a complete field survey of the section or sections in which the plat is located made by a

~~professional-licensed~~ land surveyor licensed in the state of Washington and to close with an error of not more than one foot in four thousand (4,000).

10. The elevations of all corners on the boundaries of the subdivided tract, and contours as required by Section 16.12.080-2(K)025 and shall be similarly referenced.
 11. The profiles of all street centerlines to the vertical scale of ten feet to the inch, and horizontal scale of one hundred (100) feet to the inch, submitted on a separate four-by-twenty plate standard profile tracing cloth.
 12. Sewer and water profiles to the same scale and on the same sheet as street profiles and the plan of all sewer and/or water lines, including "T's" and "Y's", and other intersections on a separate sheet.
 13. Street names.
 14. Certification by a licensed professional land surveyor that the plat and survey are true and accurate representations of the lands surveyed.
 15. Statement by owner dedicating streets, right-of-ways, and any sites for public use. Streets not dedicated to the public must be clearly marked on the face of the plat.
 16. All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.
 17. The scale of the final plat shall be minimum of one hundred (100) feet to the inch.
 18. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dashed lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid any ambiguity.
 19. The final plat shall be accompanied by other sheets showing all utility grades, and based on a datum plane approved by the city engineer.
 20. A certificate giving a full and correct description of the lands divided as they appear on the plat.
 21. A statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
 22. Lots and blocks clearly identified by numbers according to a numbering system approved by the planning department.
 23. House numbers assigned by the city building department shall be shown for each lot, as determined applicable by the planning director.
 24. A setback detail or setbacks identified on each lot.
 25. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewerage.
 26. Other information determined necessary by the planning director.
- B. In accordance with RCW 58.17.165, if the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the plat ~~or short plat~~ and a waiver of all claims for damage against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

- C. A written statement from the following agencies recommending approval or disapproval of the ~~preliminary-final~~ plat is required:
1. The public works department as to the adequacy of the proposed means of sewage disposal, water supply, and storm water management;
 2. The planning department as to compliance with all terms of the preliminary approval of the proposed plat, subdivision, or dedication; and
 3. The city engineer. Each and every plat, or replat of any property filed for record shall contain a statement of approval from the city engineer as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures;
- D. ~~Except as provided in Section 16.02.065 of this title,~~ Except as provided in RCW 58.17.140 for time extensions and as referenced in Section 16.02.060, an agency or person issuing a recommendation for subsequent approval under subsections (C)(1) and (C)(3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

(Ord. No. 386, § 6, 11-2-2009)

16.20.070 Dedication, acknowledgment and endorsement.

A. The following signatures, as applicable, shall be on the face of the final plat.

1. Property owners of record (refer to 16.20.070, subsection B)

2. Spokane County Auditor's Certificate (refer to 16.20.070, subsection B)

3. Surveyor's Certificate (refer to 16.20.070, subsection B)

4. Spokane County Assessor (refer to 16.20.070, subsection B)

4. Spokane County Treasurer (refer to 16.20.070, subsection B)

5. SPOKANE COUNTY ASSESSOR:

Examined and approved this _____ day of _____, 20 ____.

Spokane County Assessor

6. CITY OF MILLWOOD PLANNING DEPARTMENT:

Examined and approved this _____ day of _____, 20 ____.

City of Millwood Planning Director

7. CITY OF MILLWOOD ENGINEER:

Examined and approved this _____ day of _____, 20__.

City of Millwood Engineer

8. CITY OF MILLWOOD PUBLIC WORKS DEPARTMENT:

Examined and approved this _____ day of _____, 20__.

City of Millwood Public Works / Utilities Director

9. CITY OF MILLWOOD CITY COUNCIL:

Examined and approved this _____ day of _____, 20__.

Mayor, City of Millwood

B. The legal description of the plat and the following information shall appear ~~in the following sequences~~ on the final plat, lettered in ink either by hand or mechanical device, ~~with wording to be updated as needed~~ to reflect current best practices.:

1. A notarized certification and acknowledgments by the owner(s) and beneficiary, if other than the city, as shown on a current plat certificate shall be provided dedicating streets, areas intended for other public use, and granting of easements for slope, access, and utilities.

2. A certification signed by the Spokane County Auditor that verifies when the map was recorded and the volume/page it occupies as shown in example below.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20__, AT
_____ MINUTES PAST _____ O'CLOCK _____.M., IN BOOK _____ OF
_____ AT PAGE(S) _____, RECORDS OF SPOKANE
COUNTY, WASHINGTON, AT THE REQUEST OF
_____.

SPOKANE COUNTY AUDITOR OR DEPUTY

3. A certification signed by a professional land surveyor registered in the state of Washington stating that the final plat was surveyed and prepared by him/her, or under his/her supervision; that the plat is a true and correct representation of the subject land; and that monumentation has been established as required by City standards. Certification must be consistent with Chapter 58.09 RCW.

4. A certification signed by the Spokane County Treasurer stating that all taxes for the property included in the final plat have been paid.

Know all men by these presents that _____, the undersigned _____ owner _____ in fee simple, and encumbrances of the land hereby platted, hereby declare this plat and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this _____ day of _____, A.D., 19____.

Signed and sealed _____.

STATE OF WASHINGTON)

_____) ss/

COUNTY OF SPOKANE)

THIS IS TO CERTIFY THAT on this _____ day of _____, A. D., 19____, before me the undersigned, a Notary Public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes mentioned.

WITNESS my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,

Residing at _____

I hereby certify that the plat of _____ is based on actual survey and subdivision of Section _____, Township _____ North, Range _____ E.W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot block corners staked on the ground.

Signed _____ (Seal)

Licensed Land Surveyor

EXAMINED AND APPROVED this _____ day of _____, A.D., 19____.

City Engineer

I hereby certify that the required taxes on the herein platted land have been paid.

Spokane County Treasurer

By _____
Deputy

EXAMINED AND APPROVED this _____ day of _____ A.D., 19____.

City of Millwood Planning Commission

EXAMINED AND APPROVED this _____ day of _____, A.D., 19____.

CITY COUNCIL
CITY OF MILLWOOD

Mayor

ATTEST: _____
City Clerk

Filed for record at the request of the City of Millwood this _____ day of _____, A.D., 19 _____, at
_____ minutes past _____ o'clock, _____ M., and recorded in Volume _____ of Plats, on Page
_____, Records of Spokane County, Washington.

Spokane County Auditor

Deputy County Auditor

(Ord. No. 386, § 6, 11-2-2009)

16.20.080 Dedications.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

(Ord. No. 386, § 6, 11-2-2009)

16.20.090 Effect of approval.

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing or as outlined in Section 16.02.060(D)(1) and (2). A subdivision shall be governed by the terms of approval of the final plat, and statutes, ordinances, and regulations in effect at the time of approval under RCW Chapter 58.17.150 (1), and (3), for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

(Ord. No. 386, § 6, 11-2-2009)

Chapter 16.24 DESIGN STANDARDS

16.24.010 Comprehensive plan.

- A. Land which the planning commissioncity has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents, and which the planning commissioncity considers inappropriate for subdivision, shall not be subdivided, unless adequate methods approved by the city engineer, are planned for overcoming these conditions.

- B. Those areas of the city that have been identified as being critical areas such as wildlife habitat, frequently flooded areas, wetlands, and areas where topographical slopes are twenty (20) percent or more shall be subdivided in conformance with any additional requirements, which the planning department shall provide to any subdivider within ten days after receipt of ~~his~~the request for such information. Such additional requirements shall be secured from the appropriate departments by the planning department. The proposed subdivision shall provide for such requirements in the official plans or portions thereof for the city.
- C. The subdivider shall dedicate to or make available, for public acquisition or purchase, lands in the area to be subdivided as are designated by the official comprehensive plan for educational and recreational or open space purposes, if there are any such lying within the proposed subdivision.

(Ord. No. 386, § 7, 11-2-2009)

16.24.020 Street block layout.

- ~~1A.~~ Street layout shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:
 - ~~a1.~~ Continuity of appropriate streets and arterials;
 - ~~b2.~~ Streets to boundaries of tract;
 - ~~c3.~~ Streets generally following contour lines;
 - ~~d4.~~ Streets intersecting at right angles or as nearly as possible;
 - ~~e5.~~ Maximum offset distance of twenty-five (25) feet;
 - ~~f6.~~ Nothing less than full width streets except boundary streets on the tract in which the plat is located required to provide right-of-way for streets and arterials designated by the official comprehensive plan or portions thereof;
 - ~~g7.~~ Alleys in business district, at least twenty (20) feet wide;
 - ~~h8.~~ Alleys, other than in business district, a minimum of twenty (20) feet wide;
 - ~~i9.~~ Driveway access / Utility easements ~~twenty (20)~~at least ten (10) feet wide. will be permitted in lieu of alleys in residential areas; however, alleys are required if water lines, and/or sewer lines, and/or utility lines, are in or proposed to be installed at rear of lots.
 - 10. Individual lot or unit access can be provided by access easements / driveways or private streets that connect to public streets for infill development.
- ~~2B.~~ Blocks shall have sufficient width and depth to provide for two tiers of lots, ~~each of which shall have a minimum depth of one hundred (100) usable feet.~~
 - ~~a1.~~ The length of blocks shall not exceed one thousand three hundred twenty (1,320) feet where the average size of lots does not exceed two acres in area;
 - ~~b2.~~ In any block exceeding six hundred sixty (660) feet in length, crosswalks or pedestrian ways shall be required, when essential to provide circulation or access to schools and parks. Playground, shopping centers, etc., the right-of-way of which shall be at least twenty (20) feet in width, except as provided in Section 16.28.020(b);
 - ~~c3.~~ The number of intersecting streets with major arterials of all classes shall be held to a minimum.

(Ord. No. 386, § 7, 11-2-2009)

16.24.030 Street right-of-way requirements.

The minimum right-of-way and curb-to-curb pavements widths, minimum sidewalks widths, and maximum grades of all rights-of-way, public roads, roads, streets, and alleys shall be determined by the following table, unless otherwise specified by the comprehensive plan or portions thereof or as determined by the city engineer:

	Minimum right-of-way widths* (feet)	Minimum curb-to-curb pavement widths** (feet)	Minimum sidewalk widths*** (feet)	Maximum grades** (percent)
a. Urban minor arterials	80	60	<u>Consistent with existing city sidewalks; however no sidewalk shall be narrower than 4 feet wide.</u> To conform with CMC 12.20.060	5
b. Urban collector	60	46	<u>Consistent with existing city sidewalks; however no sidewalk shall be narrower than 4 feet wide.</u> To conform with CMC 12.20.060	5
c. Local access street	50	36	<u>Consistent with existing city sidewalks; however no sidewalk shall be narrower than 4 feet wide.</u> To conform with CMC 12.20.060	10

Note(s)—* Unless additional width is deemed necessary by the city engineer to provide Bicycle & Pedestrian Infrastructure (Active Transportation) and meet level of service standards in accordance with the Millwood Comprehensive Plan and MMC Chapter 17.38.005(J) for level of service under General Provisions, or unless otherwise approved by the city engineer.

Note(s)—** Unless otherwise approved by the city engineer.

Note(s)—*** Type B asphalt pavement shall be applied as necessary to provide continuity between the pre-existing edge of the asphalt to the curb installed in accordance with the width requirements specified herein

for any curb and sidewalk installed along any city street. Final determination of sidewalk width shall be approved by city engineer.

(Ord. No. 386, § 7, 11-2-2009)

16.24.040 Lots.

The following provisions shall apply to lots:

- A. Every lot shall abut on a street unless individual lot or unit access is provided by access easements / driveways or private streets that connect to public streets for infill development..
- B. Lots shall ~~be a minimum of one hundred (100) usable feet in depth~~ conform to the development standards of the applicable zone and must be large enough in size to meet the city's adopted Bulk Density Standards contained in the Millwood Comprehensive Plan. Per the development standards, the lot width/depth, setbacks, and maximum building/lot coverage will be utilized to define minimum lot sizes necessary; however, the density of each lot shall not exceed the adopted Bulk Density Standards for each new lot in a short plat or plat, or the parent lot overall shall comply with the adopted Bulk Density Standards for unit lot subdivisions and administrative lot splits.
- ~~C. Lots shall be a minimum of sixty five (65) feet in width at the building lines.~~
- ~~D. The ratio of the depth of any lot to its width shall not be greater than two and one-half to one.~~
- ~~E. Residential lots shall have a minimum area of seven thousand (7,000) square feet unless otherwise specified.~~
- ~~F. Corner lots shall be a minimum of seventy five (75) feet in width, and ten percent greater area than minimum required.~~
- ~~G. Lots having frontage on two streets shall be avoided wherever possible.~~
- ~~H. Residential lots fronting on community arterials shall be at least one hundred twenty (120) feet in depth.~~
- ~~I.~~ C. Side lot lines shall be within twenty (20) degrees of perpendicular to the centerline of the street in which the lot faces, as applicable and whenever possible.
- ~~J.~~ D. Side and rear lot lines shall be straight or composed of straight line elements, whenever possible.
- ~~K. Building setback lines in conformance with existing ordinances shall be clearly designated on the proposed plat, unless excused by the planning commission.~~

(Ord. No. 386, § 7, 11-2-2009)

16.24.050 Roads/streets.

- A. General Procedures.
 - 1. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street, an existing state highway or county road, or a street shown upon a plat approved by the city council and recorded with the county auditor. Such street or highway must be suitably improved as required by city regulations and specifications, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations. Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above. An exception to

the street front requirement is allowed for individual lot or unit access that can be provided by access easements / driveways or private streets that connect to public streets for infill development.

2. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at or above a minimum level of service as described in the Millwood comprehensive plan and MMC Chapter 17.38.005(J) for level of service under General Provisions. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development, consistent with MMC 14.12.045 Concurrency. The applicant for any development projected to generate more than one thousand (1,000) vehicle trip ends per day shall submit a traffic impact analysis prepared by a competent transportation planning professional.
3. Roads/streets shall be graded and improved and conform to the road construction standards and specifications and shall be approved as to design and specifications by the director of public works and the city engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
4. All roads/streets shall be classified as either principal arterial, minor arterial, collector, or local access streets. In classifying roads, the city shall consider projected traffic demands after twenty (20) years of development.
5. Roads/streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
6. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan.
7. Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
8. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the city engineer such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
9. The development plan, as submitted, shall indicate any and all names for proposed streets. Names shall be sufficiently different in sound and spelling from other road names in the city and within Spokane County, as applicable, so as not to cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.
10. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the comprehensive plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert

to abutters whenever the street is continued. The director of public works may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

11. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the ~~planning commission~~city for access to adjoining property, the ~~planning commission~~city may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

- B. Design Standards. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. All surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the city engineer. Adequate provision shall be made for culverts and drains. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by city council, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

(Ord. No. 386, § 7, 11-2-2009)

Chapter 16.28 VARIANCE

16.28.010 Procedure and authority for granting.

There is established a procedure for modifying or varying the regulations set forth in this title.

- ~~1A.~~ Any subdivider can make application to the ~~planning commission~~city for a variation or modification of any provision in this title due to preexisting, topographic, or other physical conditions characteristic of the land included in the preliminary plat, ~~subdivision preliminary short plat,~~ or ~~dedication~~binding site plan.
- ~~2B.~~ The application shall include any and all details necessary to support the application provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the ~~planning commission~~city shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case. Refer to Section 17.44.065 to apply for a Variance from the requirements of this title.
- ~~3C.~~ The ~~application and variance~~ request must be received concurrently with the preliminary plat, ~~subdivision preliminary short plat,~~ or ~~dedication~~binding site plan application; and must conform with the following provisions:
- ~~a.~~ The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property.
- ~~b.~~ The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
- ~~c.~~ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
- ~~d.~~ The relief sought will not in any manner vary the provisions of the zoning ordinance, comprehensive plan, or official map, except that those documents may be amended in the manner prescribed by law.

~~e. That the hearing held thereon is open to the public and notice of the hearing included with the notice as prescribed in Section 16.12.100.~~

~~4. The planning commission, after the public hearing, shall submit its recommendation together with its finding of facts in each case to the city council along with its recommendation for the preliminary plat. The city council shall approve or disapprove the variance.~~

(Ord. No. 386, § 8, 11-2-2009)

16.28.020 Exceptions.

The ~~planning commission~~city, after it receives the preliminary plat, subdivision or dedication from the subdivider, may make exceptions to the provisions as set forth in this title by requiring any or all of the following:

- ~~1A.~~ A realignment of an officially mapped street, as shown on the official street map or comprehensive plan, to permit better arrangement of lots, residential streets, and other public ways, parks and playgrounds.
- ~~2B.~~ The elimination of crosswalks where topographic grades are twelve (12) percent or greater.
- ~~3C.~~ Reduction of centerline radii of curvature or tangent distances where natural flood channels would otherwise seriously reduce lot sizes of the total number of lots of the preliminary plat, subdivision or dedication.

(Ord. No. 386, § 8, 11-2-2009)

Chapter 16.32 COMPLIANCE WITH THIS TITLE—ENFORCEMENT AND PENALTY FOR VIOLATIONS

16.32.010 Penalty for violations.

Any person, firm, corporation, or association who violates any provision of this title relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

A violation of this title or conditions of approval imposed shall be deemed to be a civil violation subject to the enforcement and penalty provisions of Section 17.44.160 of the Millwood Municipal Code, or as amended. The city may also seek injunctive relief enjoining the violator from selling or transferring any lots or constructing improvements on any lots and the city's costs and attorney's fees of such action shall be assessed against the applicant.

(Ord. No. 386, § 9, 11-2-2009)

16.32.020 Land divided in violation.

No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this title unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this chapter and each purchaser or transferee may recover ~~his~~ damages from any person, firm,

corporation or agent selling or transferring land in violation of this title, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming ~~his~~their property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

(Ord. No. 386, § 9, 11-2-2009)

16.32.030 Injunctive action where final plat not filed.

See RCW § 58.17.200.

(Ord. No. 386, § 9, 11-2-2009)

16.32.040 Assurance of discontinuance of violation.

See RCW § 58.17.230.

(Ord. No. 386, § 9, 11-2-2009)

16.32.050 Compliance enforcement action.

See RCW § 58.17.320.

(Ord. No. 386, § 9, 11-2-2009)

Chapter 16.34 ALTERATION

16.34.010 Alteration.

When an alteration of a plat or binding site plan involves a public dedication, the alteration shall be processed as provided in this chapter.

(Ord. No. 386, § 10, 11-2-2009)

16.34.020 Application.

When a person is interested in the alteration of any subdivision or binding site plan or the altering of any portion thereof, except as provided in Section 16.02.050(~~6F~~), that person shall submit an application and required review fee to request alteration to the city council.

- 1A. The application shall contain the signatures of the majority of the persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or binding site plan or portion to be altered. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for alteration would result in the violation of the covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or binding site plan or portion thereof.

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- ~~2B.~~ Upon receipt of an application for alteration, the city council shall conduct a public hearing on the application. Notice establishing a date for the hearing shall be made to all owners of property within the subdivision or binding site plan, and as provided for preliminary plats in Section 14.12.025~~Section 16.12.100.~~
- ~~3C.~~ The city council shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing in the subdivision, such land may be altered and divided equitably between the adjacent properties.
- ~~4D.~~ After approval of the alteration, the city council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or binding site plan, which after signature of the city council, shall be filed with the county auditor to become the lawful plat of the property, consistent with requirements for a final plat or binding site plan.
- E. All requirements of RCW 58.17 for alterations shall be met through the alteration review process.

(Ord. No. 386, § 10, 11-2-2009)

Chapter 16.36 VACATION

16.36.010 Vacation.

Whenever any person is interested in the vacation of any subdivision or binding site plan or portion thereof or any area designated or dedicated for public use, that person shall file an application for vacation along with the required review fee, with the city council.

(Ord. No. 386, § 11, 11-2-2009)

16.36.020 Application.

- A. The application for vacation of a subdivision or binding site plan or portion thereof shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision or binding site plan subject to vacation. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or binding site plan or portion thereof.
- B. Upon receipt of an application for vacation, the city council shall conduct a public hearing on the application. Notice establishing a date for the hearing shall be made to all owners of property within the subdivision or binding site plan, and as provided for preliminary plats in Section 14.12.025
- C. The city council shall determine the public use and interest in the proposed vacation and may deny or approve the application for vacation. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council adopts findings that the public use would not be served in retaining title to those lands.

D. After approval of the vacation, the city council shall order the applicant to provide a revised drawing of the approved vacation of the final plat or binding site plan, which after signature of the city council, shall be filed with the county auditor, consistent with requirements for a final plat or binding site plan.

E. All requirements of RCW 58.17 for vacations shall be met through the vacation review process.

(Ord. No. 386, § 11, 11-2-2009)

16.36.030 Vacation where streets are involved.

When the vacation application is specifically for a city street, the procedures for street vacation in ~~Chapter 12.50 of this code and~~ RCW Chapter 35.79 shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets, the procedure for vacation in this chapter shall be used but vacations of streets may not be made that are prohibited under RCW Chapter 35.79. ~~035030~~.

(Ord. No. 386, § 11, 11-2-2009)

~~16.36.040 Hearing and notice.~~

~~The city council shall give notice as provided in Section 16.12.055 and shall conduct a public hearing on the application for a vacation of a subdivision or binding site plan, and may approve or deny the application for vacation after determining the public use and interest to be served by the vacation. If any portion of the land contained in the subdivision or binding site plan was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.~~

~~(Ord. No. 386, § 11, 11-2-2009)~~

16.36.050-040 Vesting of ownership.

Title to the vacated property shall vest with the rightful owner as shown in the county records.

~~1A.~~ If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council.

~~2B.~~ When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of the property contained within the vacated subdivision.

(Ord. No. 386, § 11, 11-2-2009)

Chapter 16.38 BOUNDARY LINE ADJUSTMENTS/ELIMINATIONS

16.38.010 Scope.

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section "lot" shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township, and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the boundary line elimination process is to

remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

- A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments;
- B. Such alteration shall not diminish the size of any lot so as to result in a lot of less square footage than prescribed in the zoning regulations;
- C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and
- D. All lots resulting from the boundary line alteration shall be in conformance with the design standards of this chapter.

(Ord. No. 386, § 12, 11-2-2009)

16.38.020 Review process.

Boundary line adjustments and eliminations are approved administratively by the [planning](#) director in accordance with the land use permit review process contained in [MMC Section 14.12.025, Applications / Project Classification Types and Review Process, Chapter 14.12.](#)

(Ord. No. 386, § 12, 11-2-2009)

16.38.030 Application and drawing requirements.

Application for a boundary line adjustment or elimination shall be made on forms provided by the [planning](#) department and shall provide the following information:

- A. Existing Conditions Site Plan. Produce a to-scale site plan on an eight-and-one-half-inch [\(8.5"\)](#) by eleven-inch [\(11"\)](#) sheet with one-inch margins on all sides showing the following information:
 - 1. The existing dimensions and square footage of the existing property(ies) involved;
 - 2. The location and setbacks of any permanent improvements (i.e., structures, septic systems, etc.) from all property lines;
 - 3. The identification, location and dimension of all access and utility easements; and
 - 4. The location, dimensions and names of public and/or private streets abutting the property(ies); and
 - 5. North arrow and scale shall be noted.
- B. Proposed Adjustment/Elimination Site Plan. Produce a to-scale plan on an eight-and-one-half-inch [\(8.5"\)](#) by eleven-inch [\(11"\)](#) sheet with one-inch margins on all sides showing the following information:
 - 1. The location and setbacks of any permanent improvements (i.e., structures, septic systems, etc.) after the proposed boundary line adjustment or elimination from the new property lines;
 - 2. The identification, location and dimension of any access or utility easements after the proposed boundary line adjustment or elimination;
 - 3. The location, dimensions and names of public and/or private streets abutting the property(ies) after the proposed boundary line adjustment or elimination;

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4. Indicate the existing property lines to be revised with a dashed line and the proposed property lines with a solid line if applicable; and
 5. North arrow and scale shall be noted.
- C. On a separate sheet of paper (eight and one-half by eleven inches) a written legal description for the existing parcel(s) and the proposed adjusted or eliminated parcel(s) with one-inch margins on all sides.
 - D. One copy each of all involved property owners' recorded deeds, verifying current ownership of the subject property(ies).
 - E. If available, submit a copy of an original plat for the subject property. A copy of the general land office plat is not required.
 - F. A record of survey of the property shall be completed for boundary line adjustments to show distances from the existing improvements to the new property line. The survey must be completed by a professional-licensed land surveyor licensed in the state of Washington.

A fee set by city council is paid to the city by the applicant for review of the boundary line adjustment / elimination by the planning director.

(Ord. No. 386, § 12, 11-2-2009)

16.38.040 Recordation.

The department shall ~~record-have~~ approved boundary line adjustments and eliminations packets recorded with the Spokane County auditor's office and submit copies of the recorded documents to the Spokane County assessor's office. The approved record of survey shall also be recorded concurrently with the approved packet. All fees for such recording shall be paid by the applicant prior to or at the time of recording. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. No. 386, § 12, 11-2-2009)

16.38.050 Reinstatement of previously platted lot line.

An applicant that requests a segregation of property that had been previously aggregated may be ~~exempt from this chapter~~ allowed to utilize the boundary line adjustments / eliminations process in lieu of a short plat or administrative lot split process, if each of the following conditions is satisfied:

- A. The new division reestablished the original property lines;
- B. The reestablished lots conform with the city's zoning and development regulations in effect at the time of the requested segregation, or any Washington State laws or regulations;
- C. Easements and other encumbrances must be revealed by the applicant and taken into consideration by the administrator;
- D. A fee set by city council is paid to the city by the applicant for review ~~and approval~~ of the segregation by the ~~city clerk~~ planning director.

(Ord. No. 386, § 12, 11-2-2009)

Chapter 17.04 [TITLE, USE ZONES, BOUNDARIES AND ~~DISTRICTS~~ZONES]

17.04.010 Title.

This title shall be known as the "Zoning and Development Code of the City of Millwood."

(Ord. No. 527, § 1, 6-14-2022)

17.04.020 Use zones.

For the purpose of promoting the public health, safety, morals and general welfare, and in accordance with the provisions of Chapter 44 of the 1935 Sessions Laws of the state of Washington, all territory in the city shall be classified according to the following use zones:

UR-1 Residential zone—Low Density Residential~~District~~

UR-2 Residential zone—Medium Density Residential~~District~~

UR-3 Residential zone—High Density Residential~~District~~

C-1 General Commercial-commercial zone—~~Regional Commercial District~~

C-2 Low-intensity commercial / mixed use zone—~~Central Business District~~

I-1 Light industrial zone—~~Light Industrial District~~

I-2 Manufacturing / industrial zone - Paper mill alternative zone

~~PR~~-1 Public reserve zone

(Ord. No. 527, § 1, 6-14-2022)

17.04.030 Zoning map.

This title shall consist of the text hereof and in addition those certain maps identified by the approving signatures of the mayor and the City Clerk and marked and designated as "The Map of the Zoning Ordinance of the City of Millwood, Washington", also referred to as the Millwood Land Use and Zoning Map (Comprehensive Plan Map 5-1 Millwood Future Land Use Map) which maps are now on file in the office of the City Clerk of such city. Such maps have been heretofore examined in detail by the city council and are adopted as part of this title. Such title, and each and all of its terms, is to be read and interpreted in the light of the contents of such maps. If any conflict between the maps and the text of this title should arise, the text of this title shall prevail. Land use categories identified in the Millwood Comprehensive Plan are identical to zones in the City of Millwood.

(Ord. No. 527, § 1, 6-14-2022)

17.040.35 Adoption by reference.

Where not otherwise indicated in the MMC, the Spokane County stormwater and landscaping regulations, including the Spokane Regional Stormwater Manual, as may be amended, ~~along with Spokane County Chapter 14.802 Off-Street Parking and Loading Standards, Section 14.802.060 (excluding subsection #9), Section 14.802.080, Section 14.802.120, and Section 14.802.180~~, are herein adopted by reference. References to ~~Spokane~~

~~County residential zones shall apply to all Millwood residential zones and references to~~ Spokane County shall be interpreted as Millwood.

(Ord. No. 527, § 1, 6-14-2022; Ord. No. 544, § 1(Exh. A), 5-13-2025)

17.04.050 Boundaries and ~~districts~~zones.

- A. The boundaries of the various zones shall be shown on the Millwood Land Use and Zoning Map ~~zoning map~~ on file in the office of the City Clerk. The zone boundaries are the center lines of streets, alleys or lot lines as shown on such maps, unless shown to be otherwise by a distance in figures.
- B. Where the street layout actually on the ground varies from that shown on the zoning map, the designation shown on the maps shall be applied by the planning commission to the street as actually laid out so as to carry out the intent and purpose of the zoning plan of that zone.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.06 TABLE OF PERMITTED USES

17.06.010 Permitted uses.

Table 17-1 indicates permitted, conditionally permitted and prohibited uses in the various ~~zone districts~~zones. Permitted uses are allowed as a matter of right. Because of considerations of traffic, noise, lighting hazards, health and environmental issues, certain uses may be permitted subject to conditions. For the purposes of this section the following apply:

P = Permitted Use

~~C-S~~ = ~~Conditions Apply~~ Specific Use Regulations Apply

TUP = Temporary Use Permit

CUP = Conditional Use Permit

A = Accessory Use

X = Prohibited Use

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR <u>P-1</u>	<u>USE</u> <u>REGULATIONS</u>
Accessory Dwelling Units	C	C	C	C	X	X	X	17.16(A)
<u>Agriculture (Urban)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>17.10.010 (UR-1),</u> <u>17.12.010 (UR-2),</u> <u>17.14.010 (UR-3),</u> <u>17.26.010(D) for</u> <u>C-1 & C-2</u>
Ambulance Service	X	X	X	P	X	P	X	
Animal Keeping (Large)	C-S	X	X	X	X	X	X	17.10.010
Animal Keeping (Small)	C-S	C-S	C-S	C-S	C-S	X	X	<u>17.10.010 (UR-1),</u> <u>17.12.010 (UR-2),</u> <u>17.14.010 (UR-3),</u> <u>17.26.010(D) for</u> <u>C-1 & C-2</u>
Art Gallery	CUP	CUP	CUP	P	P	X	P	<u>17.10.040 (UR-1),</u> <u>17.12.030 (UR-2),</u> <u>17.14.030 (UR-3),</u> <u>& CUP 17.44.070 -</u> <u>130</u>

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Studio , Art, Music, and Dance <u>Studios</u>	C-S	C-S	C-S	P	P	CUP <u>P</u>	X	Must comply with 17.16.010(D) Home Business
Automobile, boat & RV storage-excluding auto wrecking yard, auto salvage or fuel yards.	X	X	X	P	X	P	X	Including small engine and equipment
Auto or Taxi Rental	X	X	X	P	X	P	X	
Auto, Machinery, Trailer, & RV Sales	X	X	X	P	X	P	X	Only those properties with frontage on Trent Avenue
Automobiles service & repair	X	X	X	P	X	P	X	
Bakery/Confectionary	X	X	X	P	P	P	X	
Bank or Credit Union	X	X	X	P	C-S	P	X	<u>C-2</u> - No drive-thru
Bar, Lounge or Tavern	X	X	X	C-S	C-S	C-S	X	17.26. <u>010</u> (A)
Barber Shop, Hair Salon, Nail or Tanning Salon	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
Bed & Breakfast/Short term rental	C-S	C-S	C-S	C-X	P	X	X	17.16. <u>010</u> (B)
Biotechnology Lab or Manufacturing	X	X	X	X	X	P	X	
Bird Store/Pet Shop/Taxidermy	X	X	X	P	X	X	X	
Bottling Plant	X	X	X	X	X	P	X	
Brewery, Winery, Distillery	X	X	X	C-S	C-S	C-S	X	17.26. <u>010</u> (A)
Business Colleges or Private Schools operating as a Commercial Enterprise	X	X	X	P	X	P	X	
Business & Professional Offices	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
Churches/Places of Worship	CUP	CUP	CUP	P <u>CUP</u>	CUP	X	X	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), 17.26.010(E) for C-1 & C-2, & CUP 17.44.070 - 130</u>

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR <u>P-1</u>	<u>USE</u> <u>REGULATIONS</u>
Commercial Welding/Machine Shop	X	X	X	P	X	P	X	
Community Center	X	X	X	P	P	X	X	
Community Transit Center	X	X	X	X	X	P	X	
<u>Contractor Yard</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>C-1 - Only on properties with frontage on Trent Avenue</u>
Craft, Farmers Market, Christmas Tree Sales	X	X	X	TUP	TUP	X	TUP	<u>TUP 17.44.135</u>
Daycare Facility / <u>Child Care Center</u>	X	X	X	P	P	C <u>CUP</u>	X	Located in or on a church or a public or private school site <u>CUP 17.44.070 - 130</u>
Daycare (In-home) / <u>Family Day Care Provider</u>	P	P	P	P	P	X	X	
Drive-Thru Windows	X	X	X	C-S	X	P	X	<u>C-1 - Only on properties with frontage on Trent Avenue</u>
Electric Vehicle Infrastructure	X	X	X	P	A	P	P	<u>Refer to Chapter 17.50</u>
Electric Vehicle Charging Station	A	A	A	A	A	P	P	<u>Refer to Chapter 17.50</u>
Electronic Systems Development or Operations	X	X	X	X	X	P	X	
Employment Agencies	X	X	X	P	X	P	X	
<u>Entertainment Facilities (Adult)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>Refer to Chapter 17.46 for specific requirements and location limitation</u>
<u>Essential Public Facilities (EPF)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>Refer to Chapter 17.48 for specific requirements and location limitations & CUP 17.44.070 - 130</u>
Fitness Facility / <u>Exercise Studio</u>	X	X	X	P	P	X	X	

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Fraternal Organization	X	X	X	X	P	X	X	
Fuel Dispensing Station	X	X	X	P	X	P	X	
Funeral Home	X	X	X	P	X	P	X	
Gambling Establishment as licensed by the State of WA. Class A, B, C, D, and E-1-E-5	X	X	X	C-1	X	X	X	<u>C-1</u> - Only those properties with frontage on Trent Avenue
Government Facilities	X	X	X	P	X	P	P	
<u>Group Home & Supportive, Transitional, Emergency, and Permanent Housing (STEP)</u>								
Group Home (I-A) / <u>Adult Family Home (AFH)</u>	P	P	P	CUP <u>P</u>	CUP <u>P</u>	X	X	
Group Home (I-B)	P	CUP	X	P <u>CUP</u>	CUP	X	X	<u>CUP 17.44.070 - 130</u>
Group Home (I-C)	X	X	X	X	CUP	X	X	<u>CUP 17.44.070 - 130</u>
Group Home Class II	X	X	X	CUP	X	CUP	X	<u>CUP 17.44.070 - 130</u>
<u>Permanent Supportive Housing (PSH)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Emergency Housing (Indoor)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
<u>Emergency Shelter (Indoor)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	
Home Business	C-1	C-1	C-1	C-1	C-1	X	X	17.16.010(D) Home Business
Hotel or Motel	X	X	X	P	X	P	X	
Indoor Amusement Facility	X	X	X	P	X	P	X	
Laboratories, Research, Medical, Dental	X	X	X	P	X	P	X	
<u>Laundromat</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	
Manufactured Home	C-1	C-1	C-1	C-1	X	X	X	17.16(C)
Manufactured Home Park	C-1	X	X	C-1	X	X	X	Existing approved manufactured home parks only. Must comply with RCW 35A.21.312 & 35A.63, as amended

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Manufacturing	X	X	X	CUP	X	P	X	<u>CUP 17.44.070 - 130</u>
Marijuana Processing	X	X	X	X	X	P	X	
Marijuana Producing	X	X	X	X	X	P	X	
Marijuana Retailer	X	X	X	P	X	P	X	
Medical & Dental Clinic	X	X	X	P	P	P	X	
Mini-Storage/General storage	X	X	X	X	X	P	X	
Museums, Libraries & other public buildings	CUP	CUP	CUP	P	P	X	P	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), & CUP 17.44.070 - 130</u>
Outdoor Amusement Facility	X	X	X	P	P	P	X	
Outdoor Business Activities	X	X	X	<u>€S</u>	<u>€S</u>	<u>€S</u>	X	17.26. <u>010</u> (C)
Park	CUP	CUP	CUP	CUP	CUP	P	P	<u>CUP 17.44.070 - 130</u>
Park and Ride Facility	X	X	X	X	X	P	X	
Police or Fire Stations	P	P	P	P	P	P	P	
Post Office	X	X	X	P	P	P	X	
Professional Schools including vocational & trade	X	X	X	P	X	P	X	
Public Pay Parking Garage or Lot	X	X	X	X	X	P	X	
Public Utilities / <u>Public Utility Local Distribution Facility</u>	P	P	P	P	P	P	P	
Public Utility Local Distribution <u>Transmission</u> Facility	X	X	X	X	X	P	CUP	<u>CUP 17.44.070 - 130 & Refer to 17.48.050 Location of EPFs</u>
Recycle Collection Center	X	X	X	X	X	P	X	
Residential								
<u>Accessory Dwelling Units (ADU)</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (A)
<u>Manufactured Home</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (C)

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
Single Family	P	P	P	C X	X	X	X	Only on lots without a commercial use
<u>Cottage Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	X <u>S</u>	X <u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Courtyard Apartments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
Duplex	P	P	P	C <u>S</u>	X <u>S</u>	X	X	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Fourplex</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Fiveplex</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Townhouses</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
Multi-Family	CUP	X	P	C <u>S</u>	X <u>S</u>	X	X	17.10.030 (UR-1), C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)
<u>Co-Living Housing</u>	<u>CUP</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	17.10.030 (UR-1), C-1/C-2 - Refer to Residential /

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR P-1</u>	<u>USE REGULATIONS</u>
								<u>Commercial Mixed Use 17.26.010(B)</u>
<u>Senior Independent Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Residence attached to commercial use <u>Residential / Commercial Mixed Use</u>	X	X	X	C-S	C-S	X	X	C-1 - 17.22.010 C-2 - 17.26(B) <u>17.26.010(B)</u>
Restaurants/Cafes	X	X	X	P	C-S	P	X	<u>C-2 - No drive thru window</u>
Retail Sales & Services	C-S	C-S	C-S	P	P	P	X	Must comply with 17.16.010(D) Home Business
School, Preschools, K-12	CUP	CUP	CUP	P	P	P	P	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), & CUP 17.44.070 - 130</u>
Secure Community Transition Facilities (<u>SCTF</u>)	CUP	CUP	CUP	CUP	CUP	CUP	X	<u>Refer to Chapter 17.48 for Essential Public Facilities and specific requirements in 17.48.070 & CUP 17.44.070 - 130</u>
Shared Parking Lots	X	X	X	P	P	X	X	
Theaters & Auditoriums	X	X	X	P	P	P	X	
Truck Stop	X	X	X	X	X	P	X	
Utility Services Systems	X	X	X	X	X	P	X	
Veterinary Hospital/Boarding/Kennel	X	X	X	P-S	X	X	X	<u>C-1 - Only those properties with frontage on Trent Avenue</u>
Veterinary (Large animal)	X	X	X	P	X	P	X	
Veterinary (Small animal)	X	X	X	P	CUP	P	X	<u>CUP 17.44.070 - 130</u>
<u>Wireless Telecommunication Towers, Antennas, and Facilities</u>	<u>X / A</u>	<u>X / A</u>	<u>X / A</u>	<u>S</u>	X <u>S</u>	<u>S</u>	<u>S</u>	<u>Refer to Chapter 17.42 for specific requirements and</u>

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR <u>P-1</u>	<u>USE REGULATIONS</u>
								<u>location limitations</u>
Wholesale office & Warehouse	X	X	X	P <u>S</u>	X	P <u>S</u>	X	Only those properties with frontage on Trent Avenue
Wholesale Sales & Services	C <u>S</u>	C <u>S</u>	C <u>S</u>	P	X	P	X	Must comply with 17.16.010(D) Home Business
Woodworking & Cabinet Building	X	X	X	X	X	P	X	

- A. Uses not listed above are prohibited with the city of Millwood, unless a similar use determination is made by the Planning Director.
- B. The following specific manufacturing uses are prohibited within the city of Millwood: Auto wrecking, production of corrosive and noxious chemicals; production and processing of coal and coal tar, production, processing, above ground storage or refining of petroleum and petroleum products; mining and processing of mineral products; smelting and reduction of metallic ores; manufacturing and storage of explosives including fireworks; battery rebuilding and manufacturing.
- C. Refer to Chapter 17.34 for the I-2 (Paper Mill Alternative Zone).
- D. For the Residential Use Category, refer to Millwood's adopted bulk density standards in the City Comprehensive Plan for all residential units in UR-1, UR-2, and UR-3 zones, with a minimum of two (2) middle housing units per lot unless exempted.

(Ord. No. 527, § 1, 6-14-2022; Ord. No. 540, § 1(Exh. A), 2-13-2024; Ord. No. 541, § 1(Exh. A), 3-12-2024)

Chapter 17.08 URBAN RESIDENTIAL (UR-1, UR-2, AND UR-3)

17.08.005 [Purpose.]

There is established the UR-1, UR-2 and UR-3 residential zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.08.010 ~~Residential~~ UR-1, UR-2, and UR-3 development standards.

~~Residential~~ Development in the UR-1, UR-2, and UR-3 zones shall meet the standards shown in Table 17-2.

Table 17-2

		UR-1	UR-2	UR-3
Minimum Lot Area <u>(1)</u>		10,000 <u>N/A</u>	5,000 <u>N/A</u>	5,000 <u>N/A</u>
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Front Lot Line Width		<u>50 ft.</u>	<u>40 ft.</u>	<u>30 ft.</u>
Lot Frontage (Width)	Single-Family	80 ft.	50 ft.	50 ft.
	Duplex	80 ft.	70 ft.	70 ft.
	Multi-Family	—	—	85 ft.
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width; <u>however, depth may need to be larger to account for setbacks, etc. when using the minimum front lot width.</u>		
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	<u>1 Story / Height up to 20 ft.</u>	5 ft.	5 ft.	5 ft.
	<u>1.5 Story / Height up to 28 ft.</u>	10 ft.	10 ft.	10 ft.
	<u>2 Story / Height up to 35 ft.</u>	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks <u>(2)</u>	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage <u>(3)</u>		40%	40%	40%
Maximum Total Lot Coverage <u>(14)</u>		60%	60%	60%
<u>Building Height (5) (6) (7)</u>		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
Building Height (2) (4)	<u>Accessory Buildings</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.
<u>(1) Lot area is N/A due to adopted Bulk Density Standards in Millwood Comprehensive Plan (a minimum of two middle housing units per lot are permitted) and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes. Per RCW 36.70A.535(7) the city may not treat a sleeping unit in co-</u>				

living housing as more than one quarter of a dwelling unit for the purposes of calculating dwelling unit density, as long as all other development regulations are met.

(2) Accessory Buildings shall not be located closer than 25 feet to the front of the lot, consistent with front setbacks for principal units. Accessory Buildings taller than twenty (20) feet shall be set back 10 feet from side and rear property lines. Detached ADUs can be sited at a lot line if the lot line abuts a public alley, unless the City of Millwood routinely plows snow on the public alley. Also refer to Accessory Building regulations within each zone with Detached ADUs being exempt from the prescribed size limitations applicable to Accessory Buildings. When multiple buildings that require site plan and/or building permit review are located on a parcel, each building must be separated by at least 5 feet.

(3) For infill development, when existing homes are preserved and middle housing is added elsewhere on the lot, the existing home is exempted from the maximum building coverage. Lot coverage limitations cannot require an ADU to be less than 1,000 sq. feet; however, an applicant may choose to build a smaller size.

(4) Includes all other impervious surfaces

(25) Building height shall be measured from average grade level to the highest point of the structure

(36) In compliance with RCW 36.70A.681, Accessory Buildings taller than 24 feet (at highest point of structure) shall comply with Building Setbacks based on height for side setback (10 ft. for 25 ft. to 28 ft. and 15 ft. for 29 ft. to 35 ft.). Rear setback shall match required side setback from property line for accessory buildings taller than 24 feet when an accessory building contains a Detached ADU, it is permitted to be up to 25 feet in height. Maximum wall height not to exceed 16 feet

(7) A building can exceed maximum roof height limit by 48 inches to accommodate a roof-mounted solar energy panel.

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.18.050 for more information.

(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.10 UR-1 URBAN RESIDENTIAL ZONE LOW DENSITY RESIDENTIAL

17.10.005 [Purpose.]

The UR-1 Low Density Residential ~~district zone~~ is intended to provide for primarily single-family homes on large lots, ~~preserving the existing semi-rural nature of the area with space for urban agriculture, while allowing opportunities for infill development through small-scale housing forms that are compatible in scale and form with single-family houses.~~ Retention of open space is encouraged. Higher density residential uses ~~including~~ (multi-family developments) may be allowed with a Conditional Use permit.

For uses permitted in the UR-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.10.010 Animals (Animal Keeping - Large and Small) and Agriculture (Urban).

In the UR-1 zone animal requirements are as follows:

- A. An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:
- A1. Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;
 - 2B. Up to twenty-five (25) female fowl or rabbits for the personal use of occupants on the premises are permitted;
 - 3C. Livestock units are defined as: one horse, mule, donkey, burro or bovine or two goats, llamas, alpacas, or sheep. No other animals including pigs or swine shall be allowed;
 - 4D. One livestock unit shall be allowed per gross half-acre. No livestock shall be permitted on less than one-half acre;
 - 5E. Private and commercial kennels are prohibited;
 - 6F. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
- 1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 - 2. Sales will only be permitted through an approved Home Business;
 - 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 - 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

(Ord. No. 527, § 1, 6-14-2022)

17.10.020 Design Standards.

- A. Entries.~~In the UR-1 zone, structures~~ Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. ~~Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard. Each individual condominium unit shall have a width of at least twenty-five (25) feet of overall main or first floor wall area facing the improved public street used as street frontage.~~
- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.
- D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
- E. Cottage housing.
 - 1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
 - 2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space. The entire city is within a critical aquifer recharge area (CARA) and therefore CARA land is not included in this exclusion.
 - 3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
 - 4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.

c. A community building shall have no minimum off-street parking requirement.

F. Courtyard apartments.

1. Yard or court.

a. At least one yard or court is required.

b. The yard or court shall be bordered by attached dwelling units on two or three sides.

c. The yard or court shall be a minimum dimension of 15 feet on any side.

d. Parking areas and vehicular areas do not qualify as a yard or court.

2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

(Ord. No. 527, § 1, 6-14-2022)

17.10.030 Multi-Family Development and Co-Living Housing Apartments and condominiums.

A. Multi-Family Development and Co-Living Housing Apartments and condominiums may be allowed by conditional use permit ~~issued by the city council after public hearing before the planning commission~~ and in accordance with standards regulating the issuance of conditional use permits as specified in this Code provided, they are developed in accordance with the requirements of the UR-3 zone.

B. New housing in existing buildings (RCW 35A.21.440)

1. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.

2. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.

3. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.

4. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.

5. Also see MMC 17.18.050 for specific setback and height exceptions.

(Ord. No. 527, § 1, 6-14-2022)

17.10.040 Libraries, churches, art galleries, schools.

A. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of

~~the lot frontage, libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit issued by the city council after public hearing before the city planning commission and in accordance with standards regulating the issuance of conditional use permits as specified in this Code.~~

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

17.10.050 Accessory buildings.

A. The maximum size of any accessory building in the UR-1 zone shall be:

1. For lots with less than ten thousand (10,000) square feet in area, one thousand two hundred (1,200) square feet;
2. For lots with ten thousand (10,000) square feet or more but less than ½ acre in area, one thousand five hundred (1,500) square feet;
3. For lots ½ acre or more in area, one thousand eight hundred (1,800) square feet.
4. Accessory buildings in the UR-1 larger than the maximum areas defined in this subsection may be allowed by conditional use permit ~~issued by the city council after public hearing before the city planning commission and~~ in accordance with standards regulating the issuance of conditional use permits as specified in this Code, provided that in no case shall any accessory building be larger than two thousand four hundred (2,400) square feet. ~~In granting such a permit, the city council shall make the findings set forth in 17.44.110.~~

B. Maximum size restrictions do not apply to detached ADUs.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.12 UR-2 URBAN RESIDENTIAL ZONE MEDIUM DENSITY RESIDENTIAL

17.12.005 [General.]

The UR-2 Medium Density Residential ~~district zone is intended to provide for primarily single-family homes while allowing opportunities for infill development through other small-scale housing forms that are compatible in scale and form with single-family houses, provides for typical suburban neighborhood development limited to primarily single-family and duplex dwellings~~ in neighborhoods characterized by low traffic volumes, abundant trees and other landscaping features, ~~and with~~ easy access to parks and other recreational opportunities.

For uses permitted in the UR-2 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.12.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

A. In the UR-2 zone animal requirements are as follows:

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- 3C. The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- 4D. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

- 1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- 2. Sales will only be permitted through an approved Home Business;
- 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
- 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

(Ord. No. 527, § 1, 6-14-2022)

17.12.020 Design.

- A. ~~Entries. In the UR-2 zone, structures~~ Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. ~~At lease least~~ forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.

C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.

D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

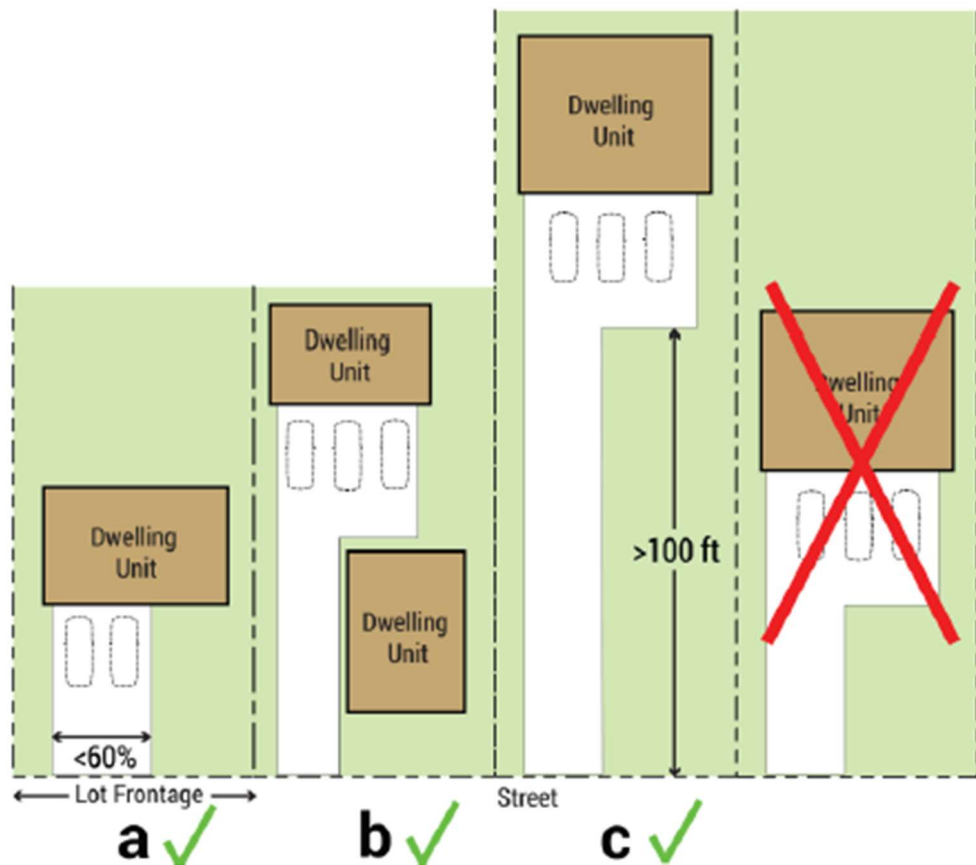
E. Vehicle access, carports, garages, and driveways.

1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:

a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or

b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or

c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.

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3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets, as applicable.
 4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space. The entire city is within a critical aquifer recharge area (CARA) and therefore CARA land is not included in this exclusion.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

1. Yard or court.
 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
 - c. The yard or court shall be a minimum dimension of 15 feet on any side.
 - d. Parking areas and vehicular areas do not qualify as a yard or court.
2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by

the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.12.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.12.030-040 Accessory buildings.

- A. The maximum size of any accessory building in the UR-2 zone shall be one thousand two hundred (1,200) square feet.
- B. ~~Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.~~

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.14 UR-3 URBAN RESIDENTIAL ZONE HIGH DENSITY RESIDENTIAL

17.14.005. [Purpose.]

The UR-3 High Density Residential ~~district-zone~~ is intended as a buffer between the areas of the city zoned for low density residential and the busiest commercial areas throughout the city. Areas zoned UR-3 offer the highest density residential uses on the smallest lots located on or close to major arterials and providing easy access to public services and transit.

For uses permitted in the UR-3 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.14.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

- A. In the UR-3 zone, animal requirements are as follows:
 - A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 - 2. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
 - 3B. The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.

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- 4C. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

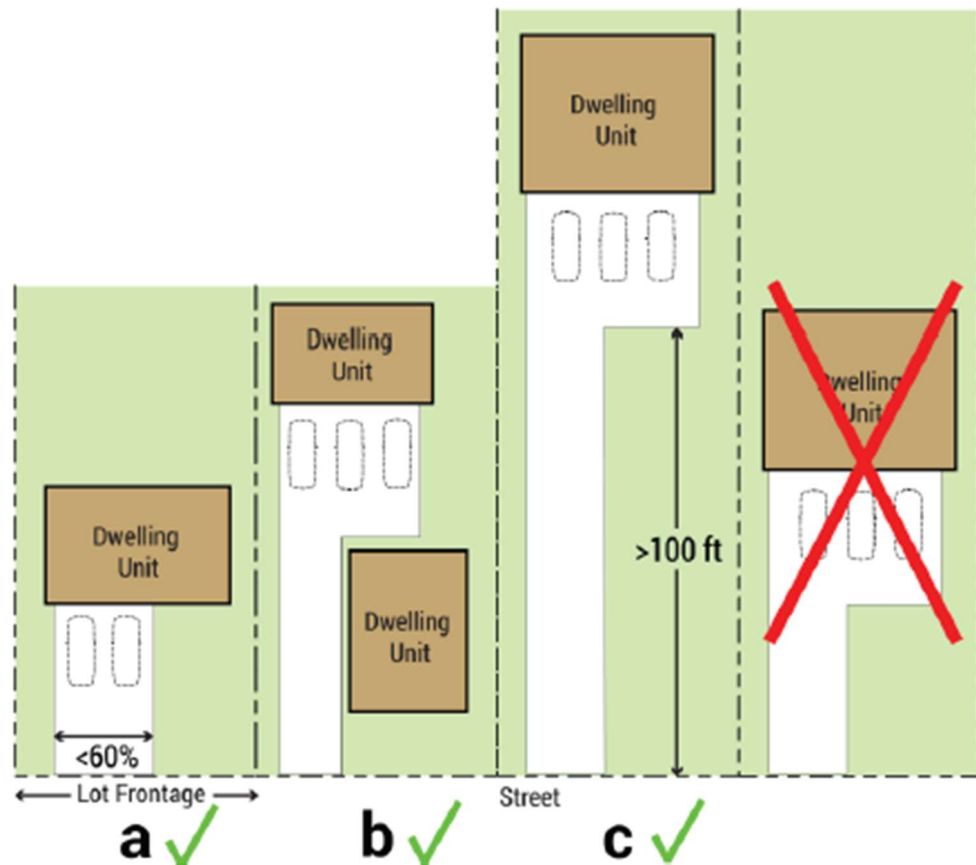
1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
2. Sales will only be permitted through an approved Home Business;
3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

(Ord. No. 527, § 1, 6-14-2022)

17.14.020 Design.

- A. Entries. In the UR-3 zone, structures-Buildings must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.
- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.
- D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
- E. Vehicle access, carports, garages, and driveways.

1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:
 - a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.
3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets.
4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.

2. Common open space.

- a. At least one outdoor common open space is required.
- b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
- c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
- d. Parking areas and vehicular areas shall not qualify as common open space.
- e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space. The entire city is within a critical aquifer recharge area (CARA) and therefore CARA land is not included in this exclusion.

3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.

4. Community building.

- a. A cottage housing development shall contain no more than one community building.
- b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
- c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

1. Yard or court.

- a. At least one yard or court is required.
- b. The yard or court shall be bordered by attached dwelling units on two or three sides.
- c. The yard or court shall be a minimum dimension of 15 feet on any side.
- d. Parking areas and vehicular areas do not qualify as a yard or court.

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H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.14.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.

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- B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
 - C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.14.030-040 Accessory buildings.

- A. The maximum size of any accessory building in the UR-3 zone shall be one thousand two hundred (1,200) square feet.
- B. Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.

17.14.050 New housing in existing buildings (RCW 35A.21.440)

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. Also see MMC 17.18.050 for specific setback and height exceptions.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.16 SUPPLEMENTARY USE REGULATIONS IN RESIDENTIAL ZONES

17.16.010 Supplementary use regulations.

Where permitted pursuant to Table 17-1, the following conditions shall apply:

- A. Accessory dwelling units (ADU's) consistent with RCW 36.70A.681
 - 1. Owner occupancy is not required for the principal unit or an ADU, unless the ADU is used for short term rentals consistent with RCW 36.70A.680(5)(a). Per RCW 36.70A.696(9), an owner is any person who has at least 50% ownership in a property on which an ADU is located,

~~The legal owner of the parcel must reside in the ADU, or the principal structure as evidenced by the property being the legal residence of the owner. The owner must reside in the ADU or the principal structure for more than six months each year.~~

2. ADUs shall be permitted in the following configurations and conditions:
 - a. Two attached ADUs such as unit in a basement, attic, or garage; or
 - b. One attached ADU and one detached ADU; or
 - c. Two detached ADUs, which may be comprised of either one or two detached structures,
~~ADU may be added to, included or attached to the principal structure or be a detached structure but shall only be allowed on parcels with single-family residential units,~~
3. ~~A bed and breakfast establishment and an ADU shall not be permitted on the same parcel,~~
4. An existing structure, such as a detached garage shall be allowed to be converted into an ADU,
~~A home business and an ADU shall not be permitted on the same parcel;~~
5. ADUs shall be addressed according to MMC Section 17.44.055, Millwood Addressing Standards.~~The ADU address shall be the primary structure address with the addition of one-half.~~
6. Up to two (2) ADUs are permitted on all lots that meet the minimum lot size in zones that allow for single-family homes;~~Only one ADU shall be permitted per parcel,~~
7. There is no minimum or maximum gross floor area requirements; however, building and lot coverage maximums must be maintained for the zone,~~Maximum size of the ADU is eight hundred (800) square feet but not greater than forty (40) percent of the square footage of the primary residential structure and the minimum size of the ADU shall not be less than three hundred (300) square feet.~~
8. ADUs must comply with MMC 17.08.010 Residential Development Standards and standards shall not be more restrictive than those for principal units,~~The parcel must meet all code requirements including site coverage with the exception of the rear yard and side yard setbacks which can be reduced to five feet,~~
9. The design standards for the applicable zone shall also apply to ADUs, as applicable,~~single-family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the ADU shall be incorporated into the design of the principal dwelling unit and shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence using matching materials, colors, window style and roof design. The primary entrance of the ADU shall be located in such a manner as to be unobtrusive when viewed from the street,~~
10. ADUs may have separate ownership via Unit Lot Subdivision (ULS) and/or by condominium,~~The ADU, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal structure, or the land on which the principal structure is located.~~
11. On lots equal to or smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits, one (1) off-street parking space per ADU is required and two (2) off-street parking spaces per ADU are required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits. Off street parking for ADUs is not required within one-half mile of a major transit stop,~~Maximum height of a detached ADU is fifteen (15) feet;~~
12. Impact fees on the construction of accessory dwelling units, as applicable, must be less than or equal to 50 percent of the impact fees that would be imposed on the principal unit,

13. ADUs are not allowed in locations where development is restricted under other laws, rules, or ordinances due to physical proximity to on-site sewage system infrastructure, critical areas or other unsuitable physical characteristics of a property per RCW 36.70A.680(4&5) and RCW 36.70A.681.

- B. Bed and breakfast establishments / Short term rentals (i.e. VRBO, Air BnB):
1. The legal owner of the property must reside on the property,
 2. A hotelier's license is required, and the licensee must be the property owner and reside on the property⁻²
 3. A bed and breakfast establishment and accessory dwelling unit shall not be permitted on the parcel.
 4. The maximum number of rooms for customer stay is three,
 5. Each room requires an off-street parking space which is improved with asphalt or concrete.
- C. Manufactured homes. All manufactured homes shall meet the requirements of a Millwood-approved manufactured home as defined in Appendix A and shall meet structure size, yard, site coverage, height limit, storage, and parking requirements of this chapter. In addition, such manufactured homes shall:
1. Be a new manufactured home as defined in Appendix A.
 2. Be placed on a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground be enclosed by an approved concrete product which can be either load bearing or decorative.
 3. Comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located, and
 4. Be thermally equivalent to the state energy code.
- D. Home Business. Home business engaged in by an individual or family within their residential dwellings:
1. The activity shall be incidental to the primary use of the residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as not to give any outward appearance of a business in the ordinary meaning of the term;
 2. No window display or product display outside the dwelling is made;
 3. One unlighted sign attached flush against the exterior wall of the principal structure not exceeding one square foot in area may be permitted;
 4. The subject property must be the business owner's primary place of residence and the property owner must sign the home business license application;
 5. Employment in a home business shall be limited to persons residing in the dwelling unit where the home occupation is conducted, with the exception of one non-resident employee;
 6. No more than twenty-five (25) percent of the total floor area of all structures on the lot including accessory buildings, garages and basements is used for home business;
 7. All storage of materials or equipment to be used in conjunction with the home business shall be enclosed within the residence or accessory structure;
 8. Traffic generated shall be limited to the following:
 - a. The parking of not more than two customer vehicles at any one time;

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- b. Not more than eight clients, customers, deliveries, or combination thereof, coming to the site each day;
 9. There are no more than two parking spaces for customers; these parking spaces shall not be located in the front or flanking yard;
 10. Hours of operation are limited to between the hours of eight a.m. and seven p.m.
 11. No commercially licensed vehicles are parked or stored at the site;
 12. The following are prohibited to be home businesses: ~~are prohibited in all residential zones;~~
 - a. Animal hospitals
 - b. ~~Dancing studios,~~ Exercise studios
 - c. Mortuaries
 - d. Private clubs
 - e. Restaurants
 - f. Stables or kennels
 - g. Automobile body shops or repair shops
 - h. Occupants involving explosives or other hazardous materials in accordance with the International Fire Code per 15.04.015(A)(4).
 - i. Taverns
 - j. Adult entertainment establishments
 - k. Adult bookstores
 - l. Massage parlors, except licensed massage therapists
 - m. Marijuana processors, marijuana producers, or marijuana retailers
 13. No use is made of equipment or material which produces vibration, noise, dust, smoke, odor, electrical interference, or any other condition at levels perceptible at the property line which would be detrimental to surrounding residences.
 14. A Millwood home business license is required;
 15. Activities exempt from home business regulations in this chapter include:
 - a. Temporary sales stands with nominal sales such as children's lemonade stands;
 - b. Garage sales, not more than one in any three-month period;
 - c. Hostess parties, not more than three in any twelve (12) month period.
 16. Any home business which lawfully exists on the effective date of the ordinance codified in this chapter shall be allowed to continue operation as a nonconforming use in accordance with Section 17.16.010(D), so long as the business is not changed, modified, enlarged or otherwise changed in any way.

(Ord. No. 527, § 1, 6-14-2022; Ord. No. 541, § 1(Exh. A), 3-12-2024)

Chapter 17.18 REGULATIONS APPLICABLE TO ALL RESIDENTIAL ~~DISTRICTS~~ZONES

17.18.010 Off-street parking, lot access, and utility easements.

Off street parking and access for vehicles in residential zones is required as follows:

- A. ~~Single-family and two-family residences~~ - Two off-street parking spaces for each familydwelling unit (refer to MMC 17.16.010A for ADU parking requirements). ~~unit and one additional off-street parking space for an accessory dwelling unit;~~
- B. Middle housing - No off-street parking shall be required within one-half mile walking distance of a major transit stop per RCW 36.70A.635(6)(d); otherwise:
 - 1. One off-street parking space per unit shall be required on lots no greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(e).
 - 2. Two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(f).
- C. Libraries, schools, churches and art galleries - One improved off-street parking space for each six seats in all places, halls and rooms of assembly generally occupied at the same time and one improved off-street parking space for each staff member or employee. Improved parking shall be paved.
- ~~CD.~~ Police stations, fire stations and public utility facilities - One improved off-street parking space for each employee and for each public official. Improved parking shall be paved;
- ~~DE.~~ Where permitted, ~~apartments and condominiums~~multi-family and co-living housing:—
 - 1. One improved off-street parking space for each living-dwelling unit and one for each staff member or employee with adequate parking for guests.
 - a. Exception, for market rate multifamily housing units that are located within 0.25 miles of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirement is 0.75 spaces per unit.
 - b. If housing is located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit, then exception cannot be utilized.
 - 2. For co-living housing, a maximum of 0.25 off-street parking spaces per sleeping unit may be required and no off-street parking may be required within one-half mile walking distance of a major transit stop. Improved parking shall be paved.
- F. Senior Independent Housing and housing for disabled - 0.75 spaces per dwelling unit unless housing is located within 0.25 miles of a transit stop receiving transit service at least four times per hour for twelve or more hours a day, then no off-street parking is required.
- G. Other housing shall have parking determined by WA State Law or based on closest Millwood use classification. Per RCW 35A.21.440, there is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- H. Per RCW 36.70A.817, the following types of residential projects are exempt from the minimum off-street parking requirements:
 - 1. Affordable housing;
 - 2. New construction or the retrofit of existing buildings meeting passive house requirements;
 - 3. Modular construction; or

4. Mass timber construction.

I. All parking spaces shall be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle with tandem parking permitted (per RCW 36.70A.622). Parked vehicles shall not block sidewalks or shared driveways.

J. For residential uses:

1. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed (garages or carports are not required per RCW 36.70A.622).

2. Off-street parking spaces and driveways shall be a durable, dust free surface that are utilized in compliance with stormwater management standards and aquifer protection measures.

a. Non-porous materials include: concrete, asphalt, pavers, and other similar types of materials.

b. Porous materials include: grass block pavers, permeable pavers, compacted angular gravel, brick with sand joints, porous concrete and asphalt, and other similar types of materials.

3. The existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in a parking area to meet parking requirements, up to a maximum of six (6) parking spaces.

4. Existing parking spaces that do not conform to the requirements of this Chapter are not required to be modified or resized, except for changes needed to comply with the Americans with Disabilities Act, as now or hereafter amended,

5. Existing paved parking lots shall not be required to change the size of existing parking spaces during re-surfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

K. Lot / Unit Access

1. Individual lot or unit access can be provided by access easements / driveways or private streets that connect to public streets for infill development. Access easements / driveways or private streets shall also contain utility easements as required by the city.

2. Private driveway access shall be permitted with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.

2. When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (K)(1) does not apply and one of the following conditions must be met:

a. The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.

b. No more than two units are accessed via the same private driveway.

c. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

3. Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet six inches except when it is determined

to be in violation of the International Fire Code or other fire, life, and safety standards, such as sight distance requirements.

4. Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the International Fire Code or other fire, life, safety standards, such as site distance requirements.

5. This subsection is not intended to limit the applicability of the adopted International Fire Code, except as otherwise presented in this subsection.

L. The use of joint use or shared driveways shall be encouraged.

M. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater. Single family and middle housing are exempt from bicycle parking requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.18.020 Storage.

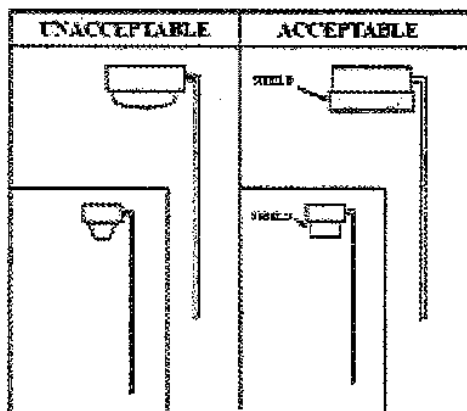
No premises in any residential zone shall be used as a storage area for any purpose other than storage of materials used in connection with the operation of a household and activities associated with the normal operation of a household except that property may be used for the storage of materials used in the construction of the individual building permitted on the parcel.

(Ord. No. 527, § 1, 6-14-2022)

17.18.030 Residential outdoor lighting.

Any lights, whether freestanding or attached to a building or structure which illuminate any outdoor area of a lot, shall be positioned, placed, constructed, shielded or used so as not to illuminate directly any building or structure or portion thereof on an adjacent lot containing a building or structure used as a residence.

Figure 17-1



(Ord. No. 527, § 1, 6-14-2022)

17.18.040 Increased density bonus for affordable housing located on property owned by a religious organization.

Per RCW 36.70A.545, the City must allow an increased density bonus for affordable housing located on property owned by a religious organization (refer to the Bulk Density Standards in Millwood Comprehensive Plan).

- A. Millwood must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:
 - 1. The affordable housing development is set aside for or occupied exclusively by low-income households;
 - 2. The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and
 - 3. The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).
- B. The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.
- C. If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.
- D. This section applies to any religious organization rehabilitating an existing affordable housing development.
- E. Upon request from a religious organization for an increased density bonus for an affordable housing development, the City may develop implementation policies.

17.18.050 Retrofits of existing buildings for residential housing and accommodation for passive house requirements (RCW 36.70A.810 & 812)

- A. For retrofits of existing buildings to be used for residential housing or new construction or the retrofit of existing buildings meeting passive house requirements:
 - 1. Any required setback must be measured to the outside face of the foundation, and the portion of exterior wall assemblies that include insulation must be allowed to project up to eight inches into setbacks on all sides;
 - 2. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
 - 3. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.
- B. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

C. Nothing in this section prohibits application of the requirements of the state building code or requires allowing a setback of less than 36 inches between residential dwelling units.

17.18.060 Conversion of single-family homes to middle housing

Single family homes may be converted to any middle housing permitted in the applicable zone (i.e. duplex or triplex), consistent with current building code requirements, middle housing development requirements (i.e. parking), and adopted bulk density standards, as applicable.

Chapter 17.20 [COMMERCIAL (C-1 AND C-2) ZONES]

17.20.005 Commercial (C-1 and C-2) zones.

There is established the C-1 and C-2 commercial zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.20.010 ~~Commercial~~ C-1 and C-2 development standards.

~~Commercial~~ C-1 and C-2 development in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 (1)		C-2	
Front YardBuilding Setbacks					
StructureFront Setback	Minimum	25 ft. min.		N/A	
	Maximum	N/A		25 ft. max.	
Parking		15 ft. min		See 17.24.020 & 030	
Rear Yard Setback		15 ft. min.		20 ft. min. 15 ft.	
Side Yard Setback		5 ft. min.		N/A 0 ft.	
Flanking Street		15 ft. min.		N/A 0 ft	
Abutting Residential Zone (up to 2 Story Height / 30 ft.)		15 ft. min. (2)		5 ft.	
AdjacentAbutting to Residential Zone (3 Story Height / 35 ft.)		15 20 ft. min. (2)		10 ft.	
Abutting Residential Zone (4 Story Height / 48 ft.)		25 ft. min. (2)		15 ft.	
Maximum Total Lot Coverage (3)		Mixed use (4)	Commercial Only	Mixed use (4) Total Lot Coverage	Commercial Only Total Lot Coverage (1)
Site Coverage including impervious surfaces		85%	75 70%	85%	70%
Building Height (5)(7)		up to 3 stories / 35 ft. max (36)		up to 3 stories / 35 ft. max (26)	
Building Height - Trent Frontage (5)(7)		45 up to 4 stories / 48 ft. max (4)(5)			
Adjacent to Residential—no intervening street or alley		Residential zone standards apply			

(1) Residential / commercial mixed use buildings (as defined in Appendix A and permitted under 17.26.010, subsection B) in C-1 shall be permitted to utilize C-2 setbacks, as long as a street or alley separates the parcel from an abutting residential zone, as well as C-2 lot coverage.

(2) N/A when a street or alley separates the parcels.

(3) All impervious surfaces including Bbuildings/structures limited to 50% of site area

(4) Residential / commercial mixed use as defined in Appendix A

(5) Building height shall be measured from average grade level to the highest point of the structure.

(26) Where at least 25% of the structure is residential, the maximum building height can include ~~3~~4 stories, but be no higher than ~~45~~48 ft.

(7) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.22.010 and 17.24.060 for more information.

(3) Shall not exceed 3 stories

(4) Shall not exceed 4 stories

(5) When not adjacent to a residential zone

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.22 C-1 ~~GENERAL~~ COMMERCIAL ZONE ~~REGIONAL COMMERCIAL~~

17.22.005 [Purpose and intent.]

Properties zoned C-1 are intended for large scale, auto oriented commercial uses located primarily along major arterials. Businesses located in this zone provide goods and services to customers throughout the region. A variety of existing residential development is located in this zone, however new residential will focus on higher density and mixed use with commercial. ~~A wide variety of residential development is allowed in this zone.~~

For uses permitted in the C-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.22.010 ~~Residential uses~~ New housing in existing buildings (RCW 35A.21.440)

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;

1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and

G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

~~Residential uses are allowed in the C-1 zone provided that when located on the same parcel as a commercial use, residence shall be located above the commercial use.~~

(Ord. No. 527, § 1, 6-14-2022)

17.22.020 Storage.

Storage requirements are as follows:

- A. No premises shall be used as a storage area for anything other than storage of materials required in connection with the identified permitted uses in Table 17-1.
- B. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C. Storage areas must conform to the minimum setback regulations of the district.
- D. Where permitted, automobiles and other machinery normally displayed for sales purposes on any open lot may be displayed as specified in Appendix A of this title and shall not be considered storage.
- E. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.22.030 Fencing and screening.

Fencing is required as follows:

- A. Those parcels abutting residential zones shall have a six-foot high side and rear yard sight-obscuring fences constructed inside the property line.
- B. Fencing shall be required when the site is developed.
- C. Fencing shall be replaced as necessary to maintain the integrity of the screen.
- D. No fence shall be constructed within fifteen (15) feet of a street.

(Ord. No. 527, § 1, 6-14-2022)

17.22.040 Parking regulations.

- A. Where calculation amounts to one or fewer parking stalls, two stalls, including one ADA stall shall be required.

- B. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- C. Off street parking in the C-1 and I-1 zones is subject to landscaping requirements found in Chapter 17.22.050(F)
- D. Parking standards applicable to C-2 zone found in Chapter 17.24.~~020030~~.
- E. Businesses using shared parking spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.

Table 17-4

Use	Required Parking Stall
Auto or Taxi Rental	1 per 750 gross square feet
Auto service and repair	1 per 500 gross square feet
Auto, machinery, trailer, RV sales	1 per 3,000 gross square feet
Bed & Breakfast	1 plus 1 per guest room
Church	1 per 150 gross square feet
Community Center	1 per 350 gross square feet
Daycare Facility	1 per 500 gross square feet
Fraternal Organization	1 per 350 gross square feet
Funeral Homes	1 per 500 gross square feet
Gambling Establishment	1 per 250 gross square feet
Group living quarters	1 per 4 residents
Hotel/Motel	3 plus 1 per guest room
Indoor amusement facility	1 per 350 gross square feet
Industrial/Manufacturing—Light	1 per 750 gross square feet
Museums, Libraries & Public buildings	1 per 750 gross square feet
Outdoor amusement facility	1 per 700 gross square feet
Personal or Professional Services	1 per 350 gross square feet
Police or Fire Station, public utility facility	1 per employee and 1 for each public official
<u>Residential uses (including within mixed use projects)</u>	<u>Refer to MMC 17.18.010 for off-street parking stall requirements by specific residential use & parking requirements for new housing in existing buildings is included in MMC 17.22.010.</u>
Restaurant/Café/Bar, Lounge or Tavern	1 per 250 gross square feet
Retail Sales, indoor	1 per 350 gross square feet
Retail Sales, outdoor	1 per 3,000 gross square feet
Schools, 9 thru 12	7 per classroom
Schools, pre-school or K thru 8	1 per classroom
Schools, vocational, trade or business	1 per 350 gross square feet
Storage	1 per 2,000 gross square feet
Theaters & Auditoriums	1 per 4 fixed seats
Wholesale/Warehouse	1 per 3,500 gross square feet

F. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.22.050 Landscaping.

All parcels zoned C-1 require landscaping

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic water system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen
- D. Those parcels abutting residential zones require that the perimeter of the parcel shall be developed with a Type 1 landscape screen as described below:

Type 1 landscape screen consists of a six foot sight obscuring fence (vinyl, wood, chain link with privacy slats) and a mix of predominately evergreen plantings, including living trees, shrubs and ground covers. Evergreen trees shall be a minimum height of four feet at the time of planting and be at least six feet in height at maturity. Plant materials shall be chosen and spaced so as to grow together within three years in a manner that is sufficient to totally obscure sight through the barrier. The entire planting strip shall be landscaped. Existing vegetation may be incorporated into the landscape design, provided it contributes to achieving the intent of the section.

- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square foot each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Streets trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.24 C-2 LOW-INTENSITY COMMERCIAL / MIXED USE ZONE ~~CENTRAL BUSINESS DISTRICT~~

17.24.005 [Purpose and intent.]

The purpose of the C-2 low-intensity commercial/mixed use zone is to provide housing opportunities and retail and professional services to a limited trade area. The zone should be developed on pedestrian scale to accommodate neighborhood and local community shopping needs, to provide variety in housing and to create recreation opportunities without negatively impacting adjoining neighborhoods. C-2 zones shall be grouped along arterials and within one-fourth mile of a public transit route and should be designed to accommodate pedestrians. The zone should create an urban neighborhood and, in addition, serve several neighborhoods within walking

distance or within a few miles allowing for short driving distances from home to the zone. The zone should serve as a buffer between residential zones and arterial roads thereby providing an appropriate land use transition.

In ~~1928~~1927*, Millwood became the first incorporated Town in the Spokane Valley. The mill, the historic homes west of the mill and the downtown area that was to become the C-2 zone, were already in existence. The city has developed a unique character and ambience based on the community's residential and commercial structures, combined with the natural setting along the Spokane River. Millwood has an overall character and environment which is cherished by its residents and instantly recognized by visitors.

These guidelines contain a clear statement of community expectations to assist property and business owners. These guidelines are intended to establish a balance that preserves and enhances the city's livability and sense of place while supporting the economic vitality that provides the resources for community services and makes Millwood a complete community.

For uses permitted in the C-2 zone, see Table 17-1.

(On October 15, 1927, residents voted to incorporate Millwood as a 4th Class Washington town. Millwood's first City Council meeting was held January 21, 1928.)*

(Ord. No. 527, § 1, 6-14-2022)

17.24.010 Development and design standards.

The following development standards apply when:

- A. Original floor area is increased by more than thirty (30) percent; or
- B. More than fifty (50) percent of the building interior is changed to support a new purpose; or
- C. More than fifty (50) percent of any façade visible from the street is changed.

Main Entrance. Structures may use the front, the side or the rear for a main entrance. Garages shall not have entrances or exists onto side or front yards.

~~Rear Access. There shall be a twenty-foot setback from the rear property line maintained for rear access.~~

Access. Access to structures by way of a paved alley is permitted

Building Design. The design of the development and structures should be on a neighborhood/pedestrian scale and take into consideration the design details of the surrounding neighborhood. Exterior construction materials should be brick, brick facade, siding, tile or other appropriate materials. Metal siding and metal pole buildings shall not be placed in the C-2 zone. At least seventy-five (75) percent of the width and fifty (50) percent of the overall ground level wall area facing a public street or walkway of any new or altered building shall be devoted to interest-creating features such as pedestrian entrances, transparent display windows, or windows affording a view into retail or lobby spaces. Blank walls are not permitted on street frontage.

- 1. Building Facades:
 - a. Facades longer than fifty (50) feet shall be broken down into smaller units through the use of interest generating architectural details. Simply changing materials or color is not sufficient to accomplish this.
 - b. Architectural detail shall be provided along facades visible from the street, as well as from neighboring residential areas.



2. Prominent Entrance Implementation.

- a. Principal entryways to the store/building shall be marked by at least one interest generating architectural element.
- b. Main entrances shall be architecturally different from secondary entrances.
- c. Weather protection. Some form of weather protection shall be provided over the entry.



3. Roof Expression Implementation. Buildings with flat roofs shall have portions with pitched roofs or projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances.



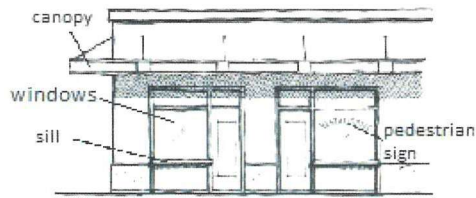
4. Ground floor windows: These provisions apply to nonresidential building facades between two feet and eight feet above the level of the adjacent sidewalk, walkway or ground level.
- a. A minimum of thirty (30) percent of any ground floor nonresidential building facade fronting on a street shall be comprised of windows allowing views into the interior. Display windows may be used to meet half of this requirement.
 - b. For portions of facades that do not have windows, see guidelines for treating blank walls.



5. Treating Blank Walls. Where windows are not provided on walls facing streets or visible from right-of-way, one or more of the following elements shall be incorporated:
 - a. Masonry (but not flat concrete block)
 - b. Concrete or masonry plinth at wall base
 - c. Belt courses of a different texture and color
 - d. Projecting cornice
 - e. Decorative tile work
 - f. Medallions
 - g. Artwork such as sculptures, murals, inlays, mosaics or elements integrated with the project
 - h. Lighting fixtures
 - i. Recesses
 - j. An architectural element not listed above, as approved by the director, that meets the intent of this section.



6. Ground Level Details Implementation.
 - a. Ground level of building shall be pedestrian-friendly in scale, expression and use of materials,
 - b. The ground floor shall contain details such as large windows, projecting sills, pedestrian scale signs, awnings and/or canopies.



Elements to be incorporated at ground level

- E. Signage. Pole signs and freestanding reader boards shall not be placed in the C-2 zone. Building-mounted or monument style signs shall only be allowed to a maximum of thirty-two (32) square feet. All other requirements of Chapter 17.40 of this title shall apply.
- F. Procedure for Exception. Design standards that may be unsuitable for a given project may be waived by the planning commission if an applicant can demonstrate that there is a good reason why the standard is inappropriate. The planning commission may approve an alternative that achieves the intent of this chapter after finding that:
 - 1. For a specific project the underlying design principles will not be furthered by the application of the standard;
 - 2. Another design principle is enhanced by not applying the standard; or
 - 3. Explaining the unique site factors that make the standard unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development.

Increases in the cost of development will not be an acceptable reason to waive a standard or determine that a standard is inappropriate.

Appeal of an administrative decision shall follow the process in MMC 14.12.140. Appeals of staff decisions may be made to the planning commission.

G. Per RCW 36.70A.815, façade modulation and upper-level setbacks shall not be required on the following residential projects, unless the project is located within the Millwood Historic District:

- 1. Affordable housing;
- 2. New construction meeting passive house requirements;
- 3. The retrofit of existing buildings meeting passive house requirements;
- 4. The conversion of existing buildings to housing or mixed-use development that includes housing;
- 5. Modular construction; or
- 6. Mass timber construction.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.24.020 Landscaping.

Where setbacks exist, landscaping shall be required along arterials and shall include appropriate street trees as determined by the city. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board. Landscaping shall be required along streets other than arterials within the prescribed setback and shall consist of shrubs and approved street trees. Street trees shall be planted within fifteen (15) feet of the property line. All landscaping shall be maintained in a living condition and shall be replaced as necessary.

(Ord. No. 527, § 1, 6-14-2022)

17.24.030 Off-street parking.

- A. No parking shall be allowed between the sidewalk and any building façade.
- B. All onsite parking must be improved, including paving and stormwater control.
- C. Parking whether onsite or offsite, shall be required at one space per each one thousand (1,000) square feet of retail, office, and commercial space plus one space per residential unit, unless an exception applies for specific residential uses such as co-housing and affordable housing (refer to MMC 17.18.010). Parking requirements for new housing in existing buildings is included in MMC 17.24.060.
- D. Accessibility requirements shall be met. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- E. In addition to parking areas, all stopping, and roadway or driving areas shall also be improved with pavement.
- F. Sharing parking lots shall be allowed in the C-2 zone. Businesses using shared spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.
- G. A parking analysis may be provided to reduce the total number of parking stalls required when proposed uses will be conducted at different times of the day, to provide flexibility in meeting minimum parking requirements.
- H. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.24.040 Fencing and screening.

A sight-obscuring screen must be provided and maintained where a C-2 zoned parcel directly abuts a residentially zoned property if the residential property is not located along an arterial street. The screen must be a minimum of ~~five~~ six feet tall and may either be a sight-obscuring fence ~~or solid~~ landscaping.

(Ord. No. 527, § 1, 6-14-2022)

17.24.050 Storage.

No premises in the C-2 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department. Storage areas must conform to the minimum setback regulations of the zone. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.24.060 New housing in existing buildings (RCW 35A.21.440)

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;
 - 1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.
 - 2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.
- F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
- G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

Chapter 17.26 SUPPLEMENTARY USE REGULATIONS IN COMMERCIAL ZONES SUPPLEMENTAL DEVELOPMENT REGULATIONS

17.26.010 ~~[Supplemental Supplementary development use regulations.]~~

Where permitted pursuant to Table 17-1, the following conditions shall apply

- A. Establishments licensed to serve alcohol:

-
1. If the proposed establishment is located within five hundred (500) feet from any church, school, public park or playground, then the following conditions shall apply:
 - a. Public entrances to such establishment, outside seating areas where alcohol may be served, and any area of such establishment where alcohol may be consumed shall not be visible from any church, school, public park or playground; and
 - b. The service or consumption of alcohol at such establishment may not result in noise, vehicular traffic, litter, public consumption of alcohol, public inebriation, or other conditions that are incompatible with the peaceful uses of any such church, school, public park or playground.
 - c. Notice of the proposed establishment shall be given to the legal owner of any church, school, public park, or playground within five hundred (500) feet of the proposed establishment. Such legal owner shall provide comment regarding the proposed establishment to the director within ten days of receiving such notice. The director shall not approve or deny the proposed establishment until fourteen (14) days following date of such notice. The director may impose conditions on the proposed establishment or may deny the proposed establishment based on submitted comments.
 - d. If the establishment is licensed to allow beer, wine and spirits tasting, then tasting shall occur within an enclosed area in the licensed establishment and shall not be located closer than one hundred (100) feet from any church, school, public park, or playground.
 - e. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use.
 - f. Appeal of an administrative decision shall follow the process in MMC 14.12.140
- B. Residential / Commercial Mixed Use~~Residential uses:~~
- a. Required minimum percentage of uses are identified within the definition in Appendix A;~~If they are combined in the same development and structure with any of the permitted uses;~~
 - b. For buildings that front Argonne Rd., Euclid Ave., or Trent Ave., non-residential uses must front the public right-of-way; however, residential uses are permitted on upper floors and on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area.
 - c. Horizontal mixed use is not allowed within the Millwood Historic District, only vertical mixed use and live-work buildings are permitted.
- ~~Residential floor area is permitted on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area, and non-residential uses front on the public right-of-way.~~
- C. Outdoor Business Activities. Outdoor business activities on the public right-of-way, may be permitted with a right-of-way permit.
- ~~D. Conversion of Residential Structures. An existing single family residential structure may be converted to a commercial or office use if;~~
- ~~a. The structure is brought into conformance with the building code for such use; and~~
 - ~~b. The development standards required in Section 17.24.010 through 17.24.040 can be met with the exception of setbacks of existing buildings.~~
- D. Animals (Animal Keeping - Small) and Agriculture (Urban).
1. Animal requirements are as follows:

-
- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 - b. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
 - c. The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
 - d. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
2. An occupant or resident may utilize open space for agriculture as follows:
 - a. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 - b. Sales will be permitted through an approved business or Home Business;
 - c. Community gardens are permitted;
 - d. Hobby beekeeping is allowed when the following requirements are met:
 1. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 2. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 3. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 4. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 5. The beekeeper shall be certified by the Washington State Beekeeper's Association.

E Churches / Places of Worship.

1. Churches (provided they are tax-exempt) may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
2. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.28 REGULATIONS APPLICABLE TO ALL COMMERCIAL DISTRICTS

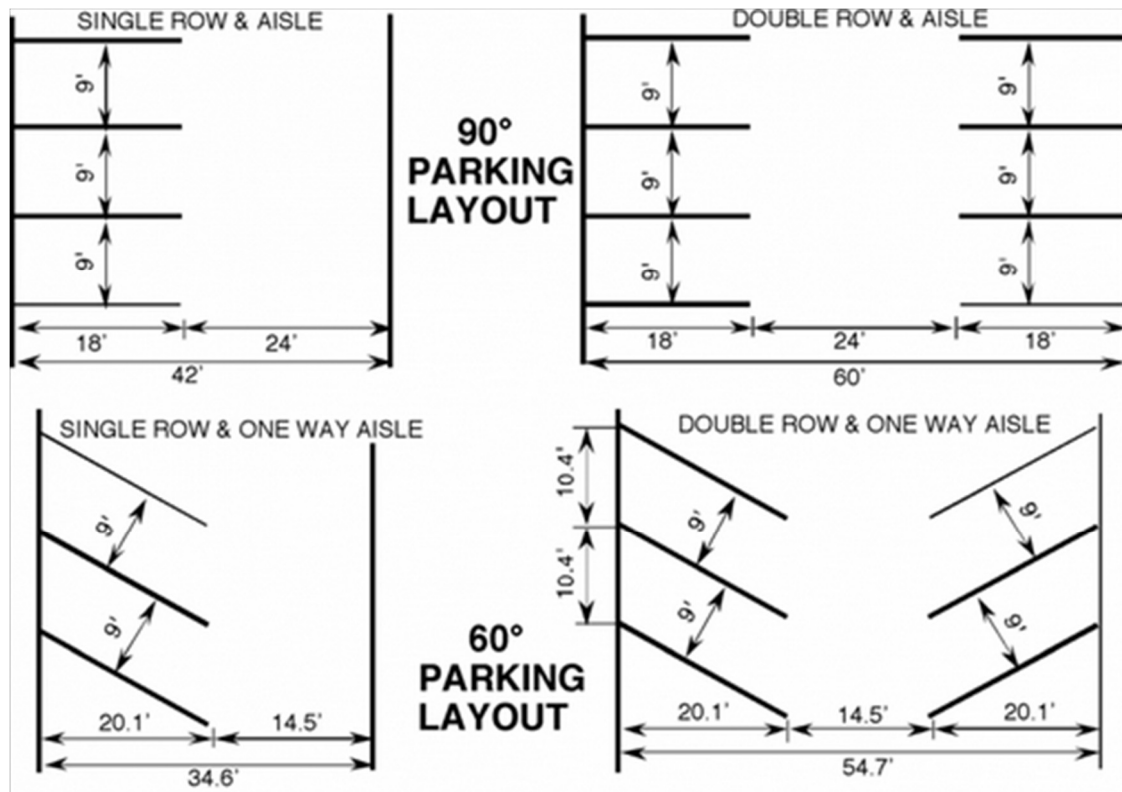
17.28.010 Site improvements.

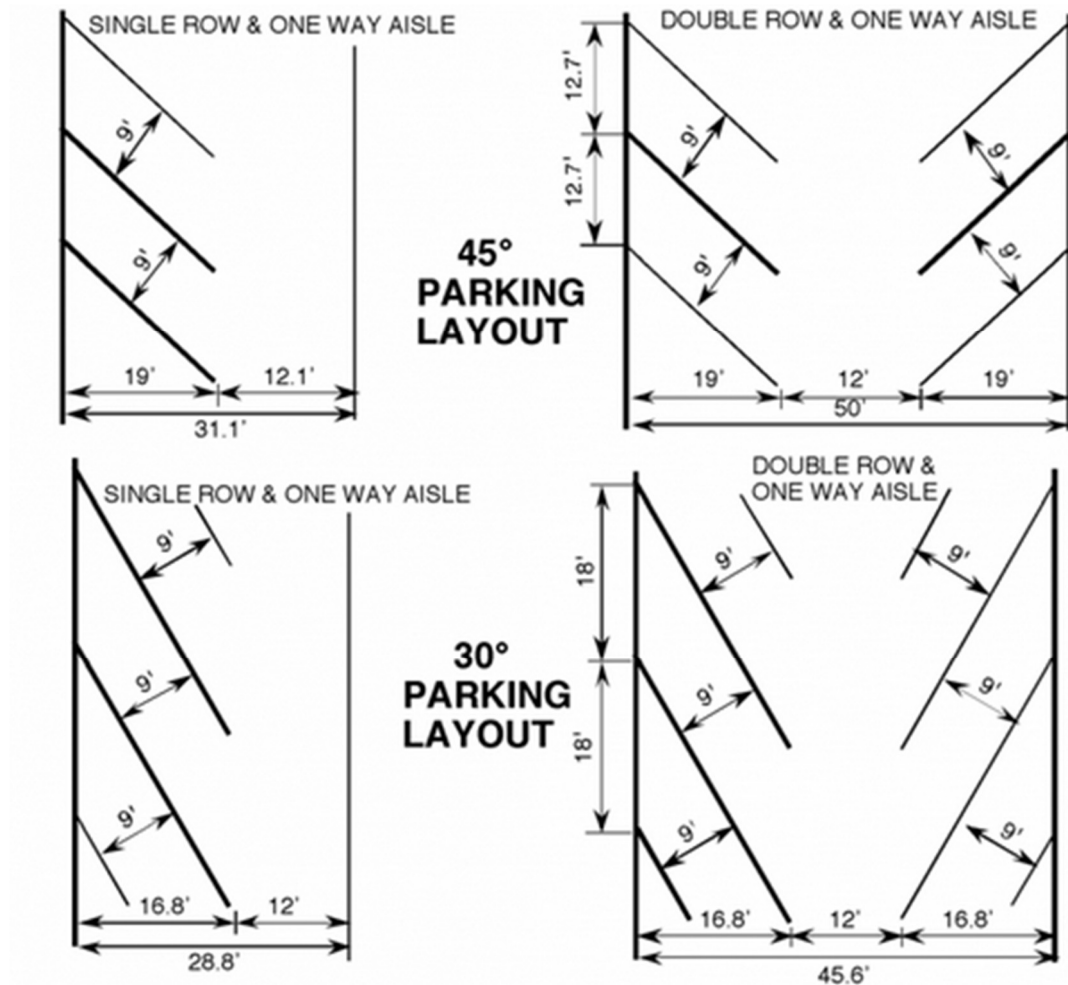
- A. All parcels zoned commercial shall require site improvements. Site improvements include:
 - 1. Site must be developed in accordance with Spokane County standards for stormwater control / Spokane Regional Stormwater Manual, as may be amended; and
 - 2. Paving of all parking areas, whether required parking or not, stopping, storage and roadway (driving) areas.
- B. Site improvements shall be required when the site is developed.
- C. All stormwater control plans for treatment and control shall, when required, be submitted for review and developed in accordance with Spokane County standards and the Spokane Regional Stormwater Manual, as amended. The following shall apply to stormwater control:
 - 1. No private stormwater control device, swale or ponds shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.
 - 2. All stormwater control devices, swales and ponds shall be located on the same parcel containing the use/development it is mitigating.
 - 3. All development requires a stormwater control plan, unless all of the following are true:
 - a. There will be no increase in trip generation (using the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers' or specific local data collected by a registered professional engineer) when the use of the site or structure is changed from the current use. For structures currently vacant, the most recent use, as evidenced by a certificate of occupancy, would be considered as the current use;
 - b. There is no increase in structure size, impervious area or type of groundcover;
 - c. There is no change to the exterior HVAC system or roofing material which would produce contaminated stormwater runoff;
 - d. There is no storage of chemicals or fertilizers on the site or in the structure.
 - 4. Commercial structures, containing a commercial use, built and used for commercial purposes prior to the date stormwater control plans were required are exempted from the stormwater plan requirements for minor interior remodels provided the conditions in subsections (C)(3)(a) through (d) of this section are met.
 - 5. All stormwater runoff shall be maintained on site. Development exempted in this section shall require a stormwater control plan if runoff is determined to be leaving the site.
 - 6. Partial use of a parcel requires the entire unused portion of the parcel be paved and developed with stormwater improvements or be developed in a low growing or mowed groundcover which is automatically irrigated and kept in living condition and made physically unavailable for parking and storage.
 - 7. Refer to 17.38.030 for green infrastructure and low-impact development (LID) options that may be utilized in the Central Business District (CBD).
- D. All paving, when required, shall be submitted for review. The following requirements apply to paving:
 - 1. No pavement shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.

2. All pavement shall be located on the same parcel containing the use/development it is mitigating.
3. All development requires paved travel areas, storage areas and parking.

E. Off-street parking design shall be in accordance with the following requirements, with the exception of ADA parking which shall meet building code requirements.

1. Parking shall be designed so that vehicles will not back out into public rights-of-way, with exceptions permitted in the C-2 zone, when no other option exists.
2. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.
3. The standard commercial / industrial parking stall dimension shall be at least nine (9) foot wide x eighteen (18) feet long (9'x18') per vehicle. Residential / commercial mixed use may be reduced to be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle.
4. Parking stalls and aisles shall be designed as illustrated below. Parking spaces at any angle other than those shown are permitted, provided the width of stalls and aisles are proportionately adjusted based upon the angle proposed.
5. Aisle width may be reduced or eliminated when single row parking access is from an alley and the alley functions as an aisle.





- F. Off-street parking shall comply with WA state law requirements regarding electric vehicle infrastructure including, but not limited to RCW 19.27, RCW 19.28, and WAC 51-50-0429 (State Building Code), and RCW 46.08.185 (Electric vehicle charging stations—Signage), as now adopted or hereafter amended. Refer to MMC Chapter 17.50 for Electric Vehicle Infrastructure.
- G. Every building or part thereof occupied for retail business, service, wholesale, manufacturing, storage, warehousing, hotel/motel, industrial, or any other similar use that receives or distributes materials or merchandise via large commercial trucks, shall provide a loading space on site in accordance with the following requirements:
1. Loading spaces must be designed so that vehicles do not need to back out into a public street.
 2. Loading spaces shall be located a minimum of 25 feet from any front property line and 50 feet from any residential zone or 25 feet from any residential zone when a six-foot sight-obscuring fence and landscaping are installed.
 3. The minimum dimensions of off-street loading spaces shall be 12 feet wide by 30 feet long.
 4. Required off-street parking spaces shall not be allowed within the loading space and truck maneuvering area.
 5. The Planning Director or designee may allow exceptions to the standards above when the applicant makes a written request demonstrating conditions that prohibit compliance with the

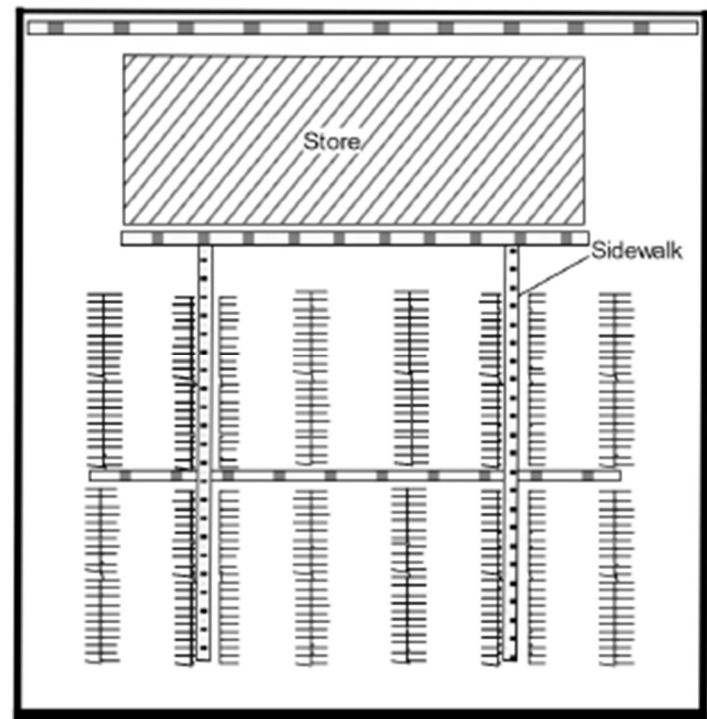
requirement(s). Exceptions include but are not limited to use of a marked commercial loading zone for multiple businesses or utilization of an alley as a temporary loading space within the Millwood Historic District.

H. Refer to Millwood Public Works requirements for approach separation and limited access from collector and arterial streets, as applicable.

I. Pedestrian access

Parking lot circulation shall be designed to minimize conflicts between vehicles and pedestrians around and within parking lots and at vehicle ingress/egress points.

1. Internal pedestrian walkways shall be installed through any parking lot of 50 or more spaces and shall be located and constructed as an integrated part of existing sidewalks and/or pedestrian trails.
2. For development with less than 50 spaces, painted crosswalks and striped areas may be utilized for safe pedestrian circulation in lieu of requirements in 2a-2c below.
3. Walkways shall be accessible and a minimum of five (5) feet wide. Internal walkways shall be separated from traffic lanes as well as vehicle overhangs, and shall be located as follows:
 - a. Walkways running parallel to the parking rows shall be provided for every 4 rows. A row is considered either a single or double line of parking stalls which are separated from other rows by internal driveways / drive aisles.
 - b. Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces apart.
 - c. Walkways that cross vehicle lanes shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.



Example of a walkway system within a parking lot

(Ord. No. 527, § 1, 6-14-2022)

17.28.020 Outdoor lighting.

Lighting for those parcels zoned commercial or public reserve is required as follows:

- A. Lighting shall be required when the site is developed.
- B. Lighting shall be replaced as necessary to maintain safety.
- C. Parking areas and structure entries shall be illuminated, at a minimum, from dusk to one hour past the hour of closing with a lighting system so as to provide for well-lit areas.
- D. All exterior lighting shall be constructed, shielded, and used so as not to directly illuminate or create a glare visible from adjacent properties or public right-of-way.
- E. Lighting resembling or conflicting with traffic signals or emergency vehicles or otherwise creating safety hazards for pedestrians or vehicular traffic is prohibited.

(Ord. No. 527, § 1, 6-14-2022)

17.28.030 Conversion of Residential Structures.

An existing single-family residential structure may be converted to a commercial or office use if:

- A. The structure is brought into conformance with the building code for such use; and
- B. For the C-2 Zone, the development standards required in Section 17.24.010 can be met with the exception of setbacks of existing buildings. All other development standards in C-1 / C-2 for landscaping, parking, lighting, etc. must be met.

Chapter 17.30 INDUSTRIAL (I-1 AND I-2) ZONES

17.30.005 [Purpose and intent.]

There is established the I-1 and I-2 industrial zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.30.010 ~~Industrial~~ I-1 and I-2 development standards.

~~Industrial~~ development in the I-1 and I-2 zones shall meet the standards shown in Table 17-5.

Table 17-5

		I-1	I-2
Building Setbacks	Front	25 ft. and 15 ft. for all parking areas, signage, and storage areas.	No minimum setbacks required <u>25 ft. and 15 ft. for all parking areas, signage, and storage area (Empire Ave. is front)</u>
	Rear	25 ft.	<u>25 ft.</u>

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(Supp. No. 21, Update 3)

	Side	5 ft. (1)	5 ft.
	<u>Abutting Residential Zone (up to 2 Story Height / 30 ft.)</u>	<u>15 ft. min. (1)</u>	<u>15 ft. min. (1)</u>
	<u>Abutting Residential Zone (3 Story Height / 35 ft.)</u>	<u>20 ft. min. (1)</u>	<u>20 ft. min. (1)</u>
	<u>Abutting Residential Zone (4 Story Height / 48 ft.)</u>	<u>25 ft. min. (1)</u>	<u>25 ft. min. (1)</u>
	Flanking Street	15 ft.	<u>25 ft. + 10 ft. for each story above 2 stories (30 ft.) to reduce noise and visual impacts to adjacent Millwood Historic District (Argonne Rd. is flanking)</u>
Maximum Building Coverage & Open Space		75% 25% of the site shall be left as open space free from structures and other impervious surfaces.	<u>N/A75%</u> <u>25% of the site shall be left as open space free from structures and other impervious surfaces with the majority located at Argonne & Empire, as well as SMP and CAO requirements for the Spokane River shoreline area (refer to Title 18)</u>
Building Height <u>(2) (3)</u>		<u>45-48</u> ft., shall not exceed four stories in height (1)	<u>45-48</u> ft., shall not exceed four stories in height (1) <u>(4)</u>
<u>(1) N/A when a street or alley separates the parcels.</u> <u>(2) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(3) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u> (1) When a lot in the I-1 and I-2 zone is located within one hundred (100) feet to a residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone. (24) Building height 85' with CUP			

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.32 I-1 LIGHT INDUSTRIAL ZONE ~~LIGHT INDUSTRIAL~~

17.32.005 [Purpose and intent.]

The I-1 Light Industrial district-zone is intended for small to medium intensity industrial uses that produce little to no noise or environmental emissions.

For uses permitted in the I-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.32.010 Storage.

- A. No premises in the I-1 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1.
- B. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C. All storage must be indoors or within a six-foot sight-obscuring fence.
- D. Storage areas must conform to the minimum setback regulations of the zone.
- E. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.32.020 Site improvements.

Site Improvements shall comply with the regulations of Chapter 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

17.32.030 Landscaping.

All parcels zoned I-1 require landscaping.

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
- D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.32.040 Off-street parking.

In the I-1 zone, off-street parking regulations pursuant to 17.22.040.

(Ord. No. 527, § 1, 6-14-2022)

17.32.050 Fencing and screening.

In the I-1 zone, Fencing and Screening regulations pursuant to 17.22.030.

(Ord. No. 527, § 1, 6-14-2022)

17.32.060 Outdoor lighting.

In the I-1 zone, outdoor lighting regulations pursuant to 17.28.020.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.34 I-2 MANUFACTURING / INDUSTRIAL ZONE - PAPER MILL ALTERNATIVE ZONE

17.34.010 I-2 [Paper mill alternative zone.]

In the I-2 paper mill alternative zone, no building or premises shall be used, nor shall any building or structure be hereafter erected or altered unless, otherwise provided in this title, except for one or more of the following uses.

- A. All uses in place at the time of adoption of this Code and continuously maintained shall be permitted to remain. Expansion of such use shall be in compliance with the development regulations of the I-1 zone.
- ~~B. Uses permitted in the UR-1, UR-2 and UR-3 residential zones, and Class I and Class II group-care homes as permitted by conditional use permit. Prior to application for redevelopment of a parcel from paper mill to residential use an application for subdivision and zone change for the required zone shall be made and if approved by the city the application for redevelopment shall proceed. The development regulations for the approved zone contained the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.~~
- ~~C.B.~~ Uses Permitted in the C-2 Low-Intensity Commercial/Mixed Use Zone. Prior to application for redevelopment of a parcel from paper mill to C-2 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.
- ~~D.C.~~ Uses Permitted in the I-1 Light Industrial Zone. Prior to application for redevelopment of a parcel from paper mill to I-1 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.

- ~~ED.~~ Secure community transition facilities (SCTF) for three residents may be permitted in the I-2 zone by conditional use permit provided all of the UR-2 zone and general uses development standards are met. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of, risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. Refer to MMC Chapter 17.48 and Section 17.48.070 for specific siting requirements. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing by the planning commission, the city council may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the city council shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.
- ~~FE.~~ Residential uses shall not be permitted on the same parcel as commercial uses, unless provided for above, they are part of a Residential / Commercial Mixed Use development which complies with 17.26.010(B).
- ~~GE.~~ Residential uses shall not be permitted on the same parcel as industrial uses.
- G. The Public Reserve (P-1) zoning designation could also be utilized in this area to establish a public park and fish and wildlife habitat area buffer along the river. Restoring this area to its original, natural condition over time would increase pollution and nutrient filtration, decrease erosion potential into the Spokane River, allow for habitat and bike transit connectivity while enhancing the aesthetic of Millwood, and fulfilling several of the city's policies and action items.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.36 ~~PR~~-1 PUBLIC RESERVE ZONE

17.36.005 [Purpose.]

In the ~~PR~~-1 public reserve zone, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title.

For uses permitted in the ~~PR~~-1 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.36.010 Public reserve development standards.

Development in the ~~PR~~-1 shall meet the standards shown in Table 17-6

Table 17-6

Building Setbacks	Front	25 ft.
	Rear	15 ft.
	Side	5 ft (1)
	Flanking Street	15 ft
Parking, Signage, Storage setback	Front	15 ft.

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(Supp. No. 21, Update 3)

Maximum Building Coverage		35%
Building Height <u>(3) (4)</u>		<u>45-48</u> ft or 4 stories (2)
(1) Where a lot is adjacent to a residential zone with no intervening street or alley, a side yard of not less than fifteen (15) feet shall be required on the side adjacent to such residential zone. (2) When a lot in the PR-1 zone is located adjacent to residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone. <u>(3) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(4) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u>		

(Ord. No. 527, § 1, 6-14-2022)

17.36.020 Storage.

Storage regulations in the ~~PR~~-1 zone pursuant to Chapter 17.32.010.

(Ord. No. 527, § 1, 6-14-2022)

17.36.030 Off-street parking.

In the ~~PR~~-1 zone, off-street parking spaces for vehicles is required to be developed as follows:

- A. Governmental buildings and uses—one off-street parking space for each employee and for each public official;
- B. Hospitals—one off-street parking space for each four beds and one off-street parking space for each staff member or employee on the shift with the greatest number of employees;
- C. Institutions for education, philanthropic or eleemosynary uses, and schools, excluding elementary schools serving students below grade nine—one off-street parking space for each four seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- D. Elementary schools serving students below grade nine—one off-street parking space for each eight seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- E. Libraries, art galleries and museums—one off-street space per two hundred fifty (250) gross square feet and one off-street parking space for each staff member or employee and for each public official;
- F. Parks, playgrounds, tennis courts and like recreational uses—no specific requirements.
- G. All employees ~~shall~~should park on the parcel with the commercial or public use.
- H. All parking shall be improved with asphalt or concrete.
- I. If the public development meets all required parking standards on the parcel and would like additional parking off-site, a directly adjacent parcel may be developed as additional parking, provided both parcels meet all development requirements, including coverage, paving, stormwater, fencing, lighting and landscaping.

J. Refer to MMC 17.28.010(E) for parking design requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.36.040 Landscaping.

All parcels zoned ~~PR~~-1 require landscaping.

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
- D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.36.050 Fencing and screening.

In the ~~PR~~-1 zone, Fencing and Screening regulations pursuant to 17.22.030.

(Ord. No. 527, § 1, 6-14-2022)

17.36.060 Outdoor lighting.

In the ~~PR~~-1 zone, outdoor lighting regulations pursuant to 17.28.020.

17.36.070 Site improvements.

In the P-1 zone, site improvement regulations pursuant to 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.38 GENERAL PROVISIONS

17.38.005 General provisions.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front ~~property lot~~ line than the distance indicated by the depth of the required front yard / front setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building.
2. Steps, terraces, platforms, ramps, and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than ~~twentyseventy~~-five (2575) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard / side setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard / rear setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building.
2. Steps, platforms, ramps, and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

~~E. Fences, Rear and Rear-Side Yard.~~

- ~~1. Rear and rear-side fences shall not exceed six feet in height.~~
- ~~2. Side yard fences between residences or main buildings may not exceed six feet in height.~~
- ~~3. Front and front-side fences may not exceed forty-two (42) inches in height.~~
- ~~4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.~~

~~5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.~~

~~6. Permits are required for the construction or rebuilding of any fence.~~

E. Fences

1. Permits are required for the construction or rebuilding of any fence.

2. Front and front-side (the distance of the required front yard setback) fences may not exceed forty two (42) inches in height.

3. Rear and rear-side fences, and any side yard fence between residences or main buildings, shall not exceed six feet in height.

4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.

5. Barbwire and similar materials are prohibited for use as fencing material.

6. Electrified fences are prohibited.

7. Fences, materials used in lieu of a fence, and landscaping shall meet clear view triangle requirements, as determined by the Planning Director and/or City Engineer.

F. Sidewalks, trails, shared roadways, and complete streets.

The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.

2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the ~~Public Works Director or designee~~ public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

3. All development as defined in ~~Section 17.16.065~~ Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. Sidewalks shall also be required on access streets when sidewalks are already constructed along the street or when needed for pedestrian safety, as determined by the City. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of ~~an existing single-family residences~~ or accessory buildings or construction of new accessory buildings provided the principal and primary use ~~is and~~ remains single-family a residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

Refer to the adopted Millwood Comprehensive Plan for specific sidewalk, trail, shared roadway, and/or complete street improvement location priorities.

G. Clear view triangle.

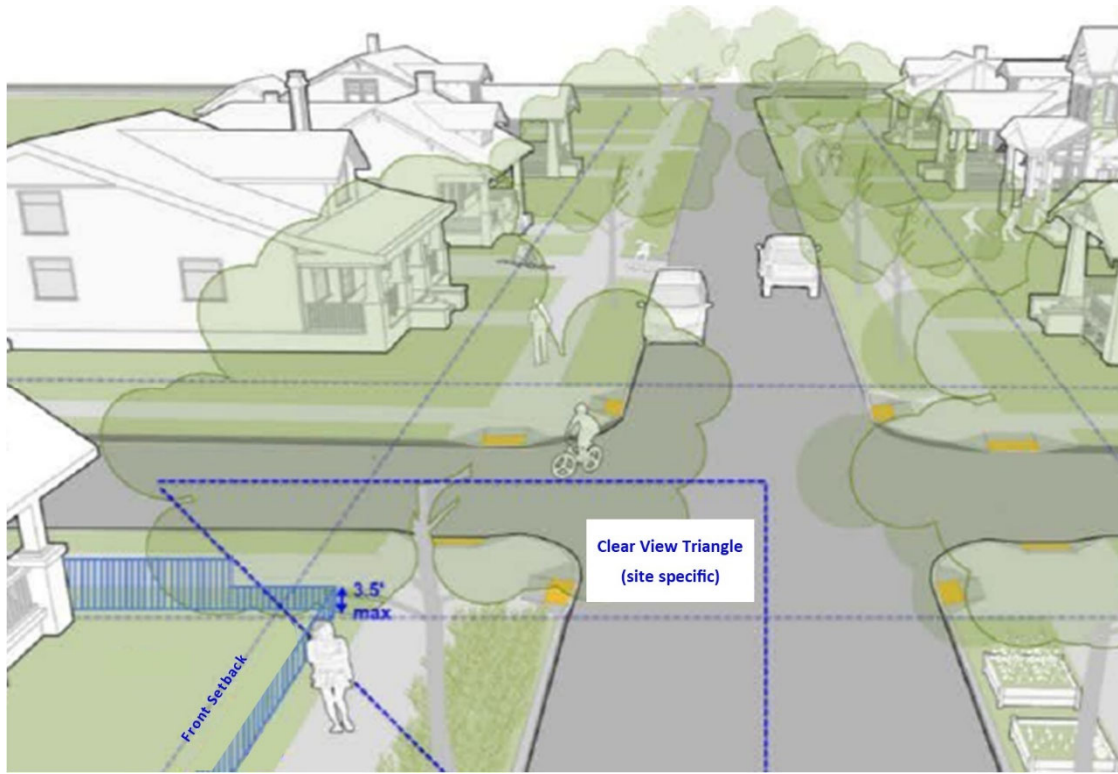
Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district zone within the area designated as the "clear view triangle" as set forth below:

1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and ~~seven~~ eight feet above the street must be unobstructed. The clear view triangle is calculated as follows:
 - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street / alley / driveway;
 - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

~~(1)~~ **Two-Way Stop Controlled**

Posted Speed (in MPH)	Distance (in Feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
 - d. The Public Works Director or designee ~~public works supervisor~~ will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.



2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
 - a. Public utility poles;
 - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least ~~seven-eight~~ feet above the street surface;
 - c. Properties where the natural ground contour penetrates the clear view triangle; and
 - d. Traffic control devices installed by the city.
- H. Administrative Exceptions. An administrative exception may be approved for the following ~~when~~:
 - a. ~~Where the required setback is greater than five feet, a deviation of five feet or less~~
 - b. ~~Minimum lot area where the deviation is for ten percent or less of the required lot area.~~
 - c. ~~Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.~~
 1. Any dimensional requirement which does not exceed one foot.
 2. A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.
 3. Minimum lot area requirements where the deviation is for 10% or less of the required lot area.
 4. Minimum lot width requirements where the deviation is for 10% or less of the required lot width.
 5. Maximum building coverage or lot coverage requirements where the deviation is for 10% or less of the maximum building / lot coverage.

~~6d.~~ Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

7. Exceptions required to meet current RCW/WAC requirements.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria, as applicable:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning districtzone it occupies;
- b. The exception may not increase density beyond what is currently allowed within the zoning districtzone;
- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
- e. The exception shall not conflict with other local, state, or federal laws; and
- f. The exception does not adversely impact the public health, safety, and welfare within the city.

I. Alternative methods of compliance

The Planning Director or designee, in consultation with the Public Works Director, Building Official and/or City Engineer, as applicable, may accept alternative methods of complying with the development standards of this Code, provided it could be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of the Code and/or applying Blue Zone principles (as defined in Appendix A). The Planning Director or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as administrative appeals under MMC 14.12.140. The Planning Director or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

~~I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:~~

- ~~1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.~~
- ~~2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.~~

3. ~~All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.~~
 4. ~~All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.~~
 5. ~~Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.~~
- J. ~~Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:~~
1. ~~A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:~~
 - a. ~~Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;~~
 - b. ~~Two-Way Stop-Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:~~

Posted-Speed (in MPH)	Distance (in feet)
25	40
 - c. ~~Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or~~
 - d. ~~The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.~~
 2. ~~Exemptions. Clear view triangle regulations of this chapter shall not apply to:~~
 - a. ~~Public utility poles;~~
 - b. ~~Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;~~

~~c. Properties where the natural ground contour penetrates the clear view triangle; and~~

~~d. Traffic control devices installed by the city.~~

J. Level of service (LOS)

Development must be reviewed for compliance with adopted city level of service standards (water, sewer, transportation including multimodal, and parks and recreation). Refer to Millwood Comprehensive Plan Section 8.6 Level of Service Standards, Section 11.4 City of Millwood Capital Facility Level of Service Standards, and Section 11.6 Capital Facilities, Utilities, and Services Summary, as amended.

K. Airport Compatibility.

1. The airport compatibility zone (ACZ) is designated on the official zoning map.
2. Prior to the issuance of a commercial building permit or any land use permit within the airport compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.
3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

(Ord. No. 527, § 1, 6-14-2022)

17.38.010 Ownership divided by a zoning district boundary line.

If a zoning boundary line cuts a property having a single ownership as of record at the time of passage of the ordinance codified in this title, all such property may take the least restrictive classification, provided that at least forty (40) percent ~~by of the~~ area of the entire property is located in the district zone having the least restrictive classification. This provision applies to single parcels only.

(Ord. No. 527, § 1, 6-14-2022)

17.38.020 Nonconforming uses.

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the planning department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the planning department deems necessary to substantiate or document the claim of legal nonconforming status.

- A. Legal nonconforming lots are lots of record established prior to the adoption of this Code or an amendment thereto and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage / front lot width or lot area that are generally applicable in the zone, provided that yard setbacks and requirements other than frontage / front lot width or lot area shall conform to the regulations for the zone in which such lot is located.
- B. When a political subdivision of the state of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces such lot, tract, or parcel of land in area and/or frontage by not more than ten percent of the minimum requirements of the underlying use within the zone classification, such lot, tract, or parcel of land shall be deemed to be a legal nonconforming lot with respect to area and/or frontage. A legal nonconforming lot status resulting from an acquisition under this subsection shall run with the land and the status of the legal nonconforming lot shall be perpetual

and continuous absent a subsequent amendment of the zoning code, regardless of whether the legal nonconforming lot is actually being used or not.

- C. A use which was lawfully established and in existence and which became or becomes nonconforming by amendment to the zoning code is a legal nonconforming use. The term legal nonconforming use refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or classification.
1. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district-zone in which the use is located.
 2. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.
 3. A legal nonconforming use shall not be expanded or extended. The extension of a legal nonconforming use to any other portion of the building or structure which was originally arranged or designed for such nonconforming use shall not be deemed the extension of a legal nonconforming use. A structure containing a legal nonconforming use may be maintained in conformance with the standards of the adopted building codes.
- D. A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto.
1. Restoration of a legal nonconforming structure which is damaged by fire, flood or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.
 2. Repair and maintenance of legal nonconforming structures is allowed.
 3. Reconstruction of a legal nonconforming structure shall be permitted in compliance with the building and fire codes.
 34. A nonconforming structure which contains a conforming use shall be allowed to expand, provided that the structure ~~is not out of compliance with the code by greater than a total of ten percent and~~ is not a danger to health or life safety, and further provided that the alteration or extension does not result in further violation of this Code.
 4. ~~When a lot contains a legal nonconforming structure, other structures may be placed on the lot provided none of the existing legal nonconforming structures are out of compliance with any one section of the current code by greater than ten percent.~~
 5. Per RCW 35A.21.440, the city shall not deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the Planning Director or designee makes written findings that the nonconformity is causing a significant detriment to the surrounding area; however, the city is not required to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards. Refer to Appendix A for the definition of an existing building.
- E. If a lot is out of compliance with site development standards (stormwater control, landscaping, paving, etc.), any modifications to the site would need to reduce the non-conformity, as reviewed by the Planning Director.

17.38.030 Green Infrastructure & Low-Impact Development (LID).

Properties located in the Millwood Central Business District (CBD), as identified in the Millwood Comprehensive Plan, Appendix A, may utilize green infrastructure and LID practices, as approved by the Millwood City Engineer and in compliance with the Spokane Regional Stormwater Manual, as amended, to capture, filter, and infiltrate stormwater. Options may include permeable pavement, green roofs, rain gardens and bioretention areas, bioswales, rainwater harvesting, and downspout routing, in addition to the required urban tree canopy preservation, maintenance, and replacement requirements included in Millwood's Urban Forestry Management Plan.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.42 WIRELESS TELECOMMUNICATION TOWERS, ANTENNAS AND FACILITIES

17.42.005 [In general.]

The regulations of this chapter are intended to provide for the growing need for telecommunications towers, antennas and facilities while minimizing any adverse environmental, aesthetic and visual impacts through careful design, siting and landscape screening; to promote and encourage shared use (co-location) of existing and new towers and sites; to avoid potential damage to adjacent properties; to protect the health, safety and welfare of the general public; and to preserve the character of residential ~~districts~~zones through judicious permitting of towers.

(Ord. No. 527, § 1, 6-14-2022)

17.42.010 Permit required—Application.

- A. No person, company, corporation or business entity of any kind shall erect any telecommunication facility, tower or accessory building of any kind or alter any such use without first obtaining a permit, in writing, from the city. Any permit shall expire at the end of one year after issuance unless the permittee has completed the structure or commenced the use authorized by the permit. Each permit is valid for five years from the date of issue and shall thereafter be subject to renewal by the city. Each application for a permit shall contain the following information unless specifically exempted:
1. A site plan drawn to scale and identifying the boundaries of the lot where the tower, accessory structure or facility is to be located and all required yard setbacks; location, type and height of tower or facility; guy anchors; location, use and dimensions of existing and proposed structures and fences; vehicular parking and access; existing vegetation to be retained; topography of the site; adjacent land uses and current zoning;
 2. A copy of the subdivision plat, deed or lease agreement for the site;
 3. A plan drawn to scale showing proposed landscaping, including species type, size and spacing;
 4. Report from a registered professional engineer indicating tower height and design, structure, installation, and total number and types of antennas that could be accommodated;
 5. A notarized verification of compliance signed by both the owner and a registered professional engineer stating that the tower complies with all EIA/TIA 222-E Standards, as amended;
 6. A signed affidavit from the applicant verifying the lack of space on suitable existing towers or other structures to locate the proposed antenna accompanied by supporting documentation as specified in Section 17.42.090 of this chapter;
 7. A letter of intent stating whether the applicant intends to lease excess space on the tower to other potential users at reasonable rates and on reasonable terms. The letter shall commit the tower owner and successors in interest to:
 - a. Negotiate in good faith for shared use by third parties,
 - b. Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration and to pay costs of adapting the tower or existing users' equipment to accommodate a shared user if required by the terms of the agreement,

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- c. Make no more than a reasonable charge for shared use based on generally accepted industry standards;
 - 8. Documentation demonstrating that the proposed site is required to serve the company's planned network in the city;
 - 9. A notarized statement signed by the applicant and owner that the tower and facility will conform with applicable FCC regulations concerning the environmental effects of radiofrequency emissions;
 - 10. A current inventory of the company's existing towers and facilities in the city and within two miles of the city's incorporation boundaries, including information on the height, location, antenna capacity, existing antennas and structural design of each tower;
 - 11. If federal regulations require an environmental assessment (EA), then a copy of the EA shall be submitted as part of the application;
 - 12. If state regulations require a State Environmental Policy Act (SEPA) review, then a copy of the completed SEPA checklist shall be submitted as part of the application.
 - B. The City Clerk shall act upon any application for authorization to place, construct or modify telecommunications tower, antenna, or other facilities pursuant to this Code after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.
 - C. A decision by the City Clerk to grant or deny an application to place, construct, or modify a telecommunications tower, antenna, or other facility shall be in writing and supported by substantial evidence contained in the record.
 - D. The City Clerk shall issue permits only for those facilities, antennas and towers that meet the requirements of this chapter and are expressly allowed by this chapter. For any permit application that does not meet the requirements of this chapter the applicant must follow the special permit/variance process.
 - E. As a condition of permit approval, the applicant shall submit to the city within eight weeks of project completion, an engineer's report stating the tower and facility meet all FCC conditions and requirements. Failure to submit this required report shall be grounds for revoking the permit.

(Ord. No. 527, § 1, 6-14-2022)

17.42.020 Reserved.

17.42.030 Reserved.

17.42.040 Fees.

Fees for construction and inspection of telecommunication facilities shall be those adopted by the city of Millwood or its designee.

(Ord. No. 527, § 1, 6-14-2022)

17.42.050 Development standards for Type I facilities on existing buildings or other existing support structures.

- A. Type I facilities are not permitted in residential ~~districts~~zones. Type I facilities are permitted on existing buildings or other existing support structures in areas zoned C-1 commercial ~~district~~zone, C-2 low-intensity commercial/mixed use zone, I-1 light industrial ~~district~~zone, and PR-1 public reserve ~~district~~zone subject to the conditions listed in this section.
- B. The Type I facility shall be located on existing buildings or other existing support structures. They shall not be allowed in buildings which are used solely for residential use. The Type I facility may locate on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
- C. Antennas equal to or less than four feet in height and with an area of not more than four hundred eighty (480) square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel as viewed from any one point) are exempt from the height limitation of the zone in which they are located. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not extend more than four feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
- D. The Type I facility shall not be artificially illuminated except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
- F. Enclosures and security fences or walls for Type I facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
- G. Type I facilities located in C-1 and C-2 commercial / mixed use ~~districts~~zones shall be stealth facilities or concealed antennas. Within the C-2 zone, Type I facilities shall only be located on roofs.
- H. Type I facilities shall comply with all applicable FCC and FAA regulations.
- I. The support structure for the Type I facility shall comply with all applicable building codes and have received appropriate permits.
- J. Type I facilities in the PR-1 public reserve ~~district~~zone shall not include offices, vehicle storage, indoor or outdoor storage, or broadcast studios.
- K. Type I facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.060 Development standards for Type II facilities on existing buildings and other support structures.

- A. Type II facilities are not permitted in residential ~~districts~~zones. Type II facilities are permitted in areas zoned C-1 commercial ~~district~~zone, ~~MI-1 manufacturing district~~light industrial zone, and PR-1 public reserve ~~district~~zone subject to the conditions listed in this section.

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- B. Type II facilities shall not be allowed on buildings which are used solely for residential use. Type II facilities may be situated on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
 - C. Type II facilities shall comply with the height limitation specified in the zone in which it is located except as follows: omni-directional antennas may exceed the height limitation by eighteen (18) feet, panel antennas may exceed the height limitation by six feet if affixed to the side of an existing building and if they architecturally blend in with the building. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not exceed eighteen (18) feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - D. Type II facilities shall not be artificially illuminated except as required by the FAA or the FCC.
 - E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
 - F. Enclosures and security fences or walls of Type II facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
 - G. Type II facilities located in C-1 commercial ~~districts-zones~~ shall be stealth facilities or concealed antennas.
 - H. Type II facilities shall comply with all applicable FCC and FAA regulations.
 - I. The support structure for the Type II facilities shall comply with all applicable building codes and have received appropriate permits.
 - J. Type II facilities in the P-I public reserve ~~district-zone~~ shall not include offices, vehicle storage, outdoor storage or broadcast studios.
 - K. Type II facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.070 Development standards for telecommunication towers.

- A. Wireless telecommunication towers are permitted in areas zoned I-1 light industrial ~~district~~ only.
- B. Wireless telecommunication towers shall be designed and built to accommodate the location of two or more wireless communications facilities (co-location). An exception may be made to this requirement if the applicant can provide written documentation that, given the applicable zoning regulations, federal law, engineering requirements, and other relevant codes and requirements placed on the site or structures, installation of a single carrier tower would better serve the goals of the zoning ordinance than would a tower designed to accommodate multiple users.
- C. Any tower that exceeds one hundred twenty (120) feet in height shall require a special permit. Co-location on an existing permitted support structure shall be permitted without an additional special permit, provided there is not substantial change to the existing support structure and the facility otherwise complies with this chapter.
- D. Type II facilities are the largest permitted wireless communication facilities allowed on a tower. Antennas which extend above the wireless communications support structure shall not be calculated as part of the height of a wireless communications support structure. For example, the maximum height for a tower (without a special permit) shall be one hundred twenty (120) feet, making the maximum permitted height of the support structure and antennas one hundred thirty-eight (138) feet (one hundred twenty (120) feet plus

eighteen (18) feet). Measurement of tower height shall include base pad and other appurtenances and shall be measured from the natural grade of the site.

- E. Towers shall be separated from each other by a distance equal to or greater than one thousand two hundred (1,200) linear feet.
- F. Yard setback requirements for wireless telecommunications towers are as follows:
 - 1. The minimum yard setback for a tower shall be twenty-five (25) percent of the tower height unless a greater yard setback is required by the regulations of the ~~district-zone~~ in which the tower is located; however, no tower shall be located closer than two hundred (200) feet to any residential ~~district-zone~~ nor closer than a distance equal to the height of the tower to any structure containing a residential use.
 - 2. Towers located on a portion of a larger lot shall not be constructed in any yard which is required by a setback of the larger lot.
 - 3. Tower yard setbacks from the property lines of the lot on which the tower is located shall be measured from the perimeter of the tower base for monopoles and self-supporting towers and from the guy anchors for guyed towers.
 - 4. Guyed towers shall have their guy anchors located on the tower site, and guy wires shall not cross any adjoining property, public rights-of-way or public easements.
 - 5. Yard setbacks shall be sufficient to contain all ice-fall on site, unless adequate provisions have been incorporated to prevent the buildup of ice.
- G. Wireless telecommunication towers shall not be artificially illuminated except as required by the FAA or the FCC. All security lighting must be contained within the fenced area and must not illuminate higher than ten feet.
- H. Towers shall have a galvanized finish or be painted a nonreflective silver, pale blue or gray provided however, any regulation of the FAA or FCC that contradicts this requirement shall govern.
- I. The tower and accessory structures shall be fully secured. A chain link fence or a wall not less than eight feet in height from finished grade shall be provided around each tower and all accessory structures. Access to the tower shall be through a locked gate. Towers without accessory structures may utilize anti-climb devices in place of a fence.
- J. Towers shall meet or exceed the structural requirements as set out in EIA/TIA 222-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all applicable city building codes. Any improvements and/or additions (antennas, dishes, etc.) to existing towers shall require that a notarized verification of compliance with the EIA/TIA 222-E Standards, in effect at the time of the improvement or addition, be signed by the owner and a registered professional engineer and be submitted to the City Clerk.
- K. Towers may not be located within two hundred (200) feet of the Spokane River's ordinary high water mark.
- L. No signs shall be allowed on any tower or antenna unless required for safety purposes.
- M. Where the lot on which a tower is to be erected does not meet the minimum lot size requirement of the ~~zoning-districtzone~~ or does not have frontage on the public street from which it derives access, then building permits shall not be issued for any structures other than telecommunications towers and the unmanned accessory facilities required for that tower's operation. This use restriction must be made a part of any plat or deed describing this lot until such time as the lot comes into compliance with the zoning regulations.
- N. Whenever a tower site does not have frontage on the public street from which it derives access, a permanent, twenty (20) foot wide access easement shall be required.

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- O. A landscape buffer shall be required in all ~~districts-zones~~ and shall effectively screen the view of the fence and accessory structures from public ways and adjacent properties.
1. The buffer shall be installed outside the security fence.
 2. The buffer shall consist of a minimum ten-foot-wide landscaped strip planted with an attractive combination of trees, shrubs, vines and/or groundcovers.
 3. Minimum required plantings include:
 - a. A row of evergreen trees a minimum of eight feet tall when planted placed a maximum of ten feet apart;
 - b. A continuous hedge of evergreen shrubs at least thirty (30) inches high when planted placed in front of the tree line;
 - c. All plant materials shall be xeriscape tolerant.
 4. The owner of the tower shall be responsible for providing and maintaining all landscaping in a healthy and growing condition and replacing unhealthy or dead plants by the beginning of the next growing season with plants that conform to the original intent of these regulations for as long as the tower stands.

(Ord. No. 527, § 1, 6-14-2022)

17.42.080 Amateur radio towers and antennas.

Amateur radio towers and antennas are permitted in any residential ~~district-zones~~ subject to the following conditions:

- A. One tower may be installed in the rear yard only as an accessory structure to a licensed operator's legal residence, and all guy wires and anchors must be contained on the lot and may not extend closer than ten feet to any boundary line of the lot.
- B. The tower and antenna shall not exceed the height limitation of the zone. The applicant shall show that the impact area (that area in all directions from the tower base equal to the tower's/antenna's height above grade) is completely on the operator's property.
- C. Amateur radio towers in residential ~~districts-zones~~ shall be used exclusively for amateur radio antennas.
- D. A building permit must be issued prior to installation of an amateur radio tower.
- E. Amateur radio towers to be located in nonresidential ~~districts-zones~~ must comply with Sections 17.42.010, 17.42.050, 17.42.070 and 17.42.100 of this chapter, as applicable.

(Ord. No. 527, § 1, 6-14-2022)

17.42.090 Co-location.

To minimize the adverse visual, aesthetic and environmental impacts associated with the proliferation of towers, co-location of antennas or facilities by more than one provider on existing or permitted towers shall take precedence over the construction of new towers. Towers shall be designed to maximize shared use to the extent possible for the type of tower proposed without creating structural instability or electromagnetic interference with other antennas on the tower.

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- A. Subject to subsection B of this section, no new tower shall be permitted unless the applicant demonstrates by sufficient documentary evidence that at least one of the following conditions is applicable:
1. No existing towers or suitable structures are located or available within the geographic area required to meet applicant's engineering requirements, and no such towers are under consideration for building permits.
 2. Existing towers or structures are not of sufficient height and cannot be reasonably altered to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength and cannot be reasonably altered to support applicant's proposed antenna and related equipment.
 4. The proposed antenna would cause electromagnetic interference with existing antenna(s) on the tower or structure, or the existing antenna(s) would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. Co-location would have a more detrimental environmental, aesthetic or visual impact on the surrounding area than would construction of a new tower.
- B. Even if an applicant is able to demonstrate the existence of one of the foregoing conditions, a new tower may not be permitted if it is determined by substantial evidence that the proposed location of the tower is not essential to the applicant to provide service in a given geographical area, and the tower would:
1. Interfere with or endanger the use of other telecommunication facilities; or
 2. Endanger persons or property; or
 3. Not be compatible with existing or proposed adjacent development; or
 4. Have a significant environmental, visual or aesthetic impact on the surrounding area.

(Ord. No. 527, § 1, 6-14-2022)

17.42.100 Abandonment.

- A. Any telecommunications tower, antenna or facility that has not been in use for its original telecommunications purpose for a period of one hundred eighty (180) days shall be deemed to be abandoned. The tower owner shall remove the abandoned tower and shall have ninety (90) days to remove an abandoned tower and any accessory structures or to reactivate the tower or to transfer the tower to another owner who shall submit a plan to reactivate it. Removal of abandoned towers and accessory structures shall be at the tower owner's expense. In the event that the tower owner fails to remove the abandoned facility and support structure, the property owner shall be responsible for removal and disposal within ninety (90) days at the property owner's sole expense.
- B. Every tower owner shall provide the City Clerk with a list of all towers owned by them, indicating the date of cessation of operation for any inactive towers, the date of dismantling for removed towers, the date of transfer of towers to other owners or subleases, and a certification that each standing tower is in compliance with Section 17.42.070(J) of this chapter. In addition, every tower owner shall within thirty (30) days of the transfer assignment or sublease of a tower's ownership provide the City Clerk with the date of such transfer.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.44 ADMINISTRATION AND ENFORCEMENT

17.44.010 Provisions of title control.

In interpreting and applying the provisions of this title, said provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore, when this title imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, rules or regulations, the provisions of this title shall control.

(Ord. No. 527, § 1, 6-14-2022)

17.44.015 Planning director/administrator—Powers and duties.

Unless another administrator is specified elsewhere in the Code, the planning director shall be responsible for the following:

- A. Establishing general procedures and preparing forms and applications for the administration of all building and land use permit decisions, including:
 - 1. Reviewing all applications made under this title, ~~and Title 14,~~ Title 15, Title 16, and/or Title 18, as applicable, for compliance with this Code, including completeness, and notifying applicants of any noncompliance;
 - 2. Issuing permits for activities consistent with this title, as provided in Title 14;
 - 3. Investigating and ruling on certain applications as provided by this Code;
 - 4. Investigating applications for conditional uses, variances or nonconforming use or structure variances;
 - 5. Maintaining an interested person list for each application; and
- B. Determining whether proposed or ongoing activities violate Titles 14, 15, 16, 17, or 18.

Related duties include:

- 1. Making administrative decisions, exceptions, and interpretations of the policies and regulations of this Code as provided in Chapter 14.12 Land Use Permit Review and Chapter 17.38 General Provisions;
 - 2. Making field inspections where necessary or deemed advisable or requested by the hearing examiner, planning commission or city council;
 - 3. Determining whether a use is prohibited under this title, and if not prohibited, the appropriate permit procedure applicable for that use;
 - 4. Determining violations of this title, or of any permits issued hereunder, and seeking a remedy for such violation, including enforcement under this chapter; and
- C. Assisting the city council in the effective administration and amendment of Titles 14, 15, 16, 17, and 18, including:

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1. Providing technical and administrative assistance to the planning commission, hearing examiner, and the city council as required for effective and equitable implementation of this title; and
 2. Investigating, developing, and proposing amendments to this title as deemed necessary to more effectively and equitably achieve its goals and policies, including amendment of the zoning code, critical areas ordinance, and an updated comprehensive plan.

(Ord. No. 527, § 1, 6-14-2022)

17.44.020 Planning Commission—Powers and duties.

- A. With the exception of actions requiring legislative authority pursuant to Sections 17.44.020(B) and 17.44.030 or that are otherwise delegated to the hearing examiner, the planning commission shall review and make recommendation to the city council regarding applications filed ~~under this title~~, as outlined in Chapter 14.12 with the classification and review process as defined in Section 14.12.025, Applications / Project Classification Types and Review Process, and where necessary, will conduct open public record hearings to do so.
- B. The planning commission is charged with periodic review of the city's comprehensive plan, critical areas ordinance, and this title and uses and permits developed hereunder, to determine if the provisions hereof meet the goals and policies of the city comprehensive plan, and with recommending necessary amendments hereto and conducting open record public hearings thereon.
- C. The planning commission shall function as the long-range planning body of the city and may instigate action on its own accord when it deems it necessary to meet the goals and policies of the city's planning documents or to make necessary changes thereto. The planning commission shall also process and review citizen proposals to amend this Code in accordance with Chapter 14.12.

(Ord. No. 527, § 1, 6-14-2022)

17.44.025 Hearing examiner—Administrative review.

A hearing examiner shall have the authority granted by Chapter 2.56, Chapter 14.12, and this title to review recommendations and/or decisions as set forth herein.

(Ord. No. 527, § 1, 6-14-2022)

17.44.030 City council—Powers and duties.

The city council shall have the following powers and duties under this title:

- A. Making final decisions, subject to judicial review, on applications for amendment of this title, Title 14, Title 15, Title 16, and/or Title 18; and
- B. Initiating amendments to this title on its own initiative, and making final decisions thereon after any applicable hearing, review and recommendation; and
- C. Requiring an applicant for a permit hereunder to post a bond as authorized by this title in an amount determined by them and running to the city.
- D. Unless otherwise provided, hearing appeals from recommendations and/or decisions of the planning director, planning commission or hearing examiner, as outlined in Chapter 14.12 with the classification and review process as defined in Section 14.12.025, Applications / Project Classification Types and Review Process.

With the exception of project permits where the appeal process is outlined in Section 14.12.025, Any interested person or administrative officer of the city may appeal to the city council from any ruling of the planning commission pertaining to an administrative interpretation when such ruling is adverse to ~~his/her~~their interest, by filing with the City Clerk within twenty-one (21) days from such ruling a written notice of appeal. Thereupon the chair of the planning commission shall forthwith transmit to the city council all papers constituting the record upon which the action appealed from was taken, and in addition thereto, the city council may, at its hearing, receive such further evidence as seems to be relevant. Upon due and public hearing, the city council shall have power to overrule or alter any such ruling of the planning commission pertaining to an administrative interpretation so applied for.

(Ord. No. 527, § 1, 6-14-2022)

17.44.040 Permit required for erection or alteration.

- A. No person, company or corporation shall erect a building or structure of any kind, or alter any building or structure already erected when said alteration is made for the purpose of changing the use or purpose of occupancy, or institute or change a property use, ~~or make any other modifications or additions that require a permit in accordance with the applicable building code (refer to Title 15),~~ without first obtaining a permit, in writing, from the city. Any permit shall expire at the end of one year after issuance unless the permittee has completed the structure or structures or instituted the use authorized by said permit, ~~which shall conclude the permit, or obtained an extension in accordance with Title 15.~~
- B. Unless otherwise specified in this title or in Titles 14, 15, 16, or 18, all land use activity that is authorized via approved application and/or permit, shall expire three (3) years from the date the final decision is rendered or the date the permit is issued, as applicable.
1. The applicant may apply for a 180-day extension request to be reviewed by the planning director / city planner if submitted prior to the expiration date. Some progress must have been made on the project or construction is being actively pursued, in order for an extension request to be considered by the planning director / city planner. ~~The provisions of this section shall not apply to one-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet.~~
- C. The city council shall set by resolution, fees for ~~structural moving applications and the following permits: building, change of use, demolition, fence, manufactured home, mechanical, and plumbing~~ permits as described in 15.04.015, subsection B.
- D. Refer to Section 15.04.020(F)(1) for permit exemptions.

(Ord. No. 527, § 1, 6-14-2022)

17.44.050 Site plan to accompany application for building permit or change of use.

All applications for building permits or change of use, or other applications/projects as determined by the planning director / city planner, shall be accompanied by a site plan, ~~in triplicate,~~ drawn to scale, showing the actual dimensions of the lot to be built upon or on ~~which a change of use is desired,~~ also the size, the use and location of existing buildings and buildings to be erected, underground utilities, driveway and other site improvements, and such other information required by the permit instructions or the planning department as may be necessary to provide for the enforcement of this title.

A. Interior alterations are exempt from site plan review when they are consistent with the exemptions provided in RCW 36.70B.140, provided that the interior alterations do not result in the following:

1. Additional sleeping quarters or bedrooms;
2. Nonconformity with federal emergency management agency substantial improvement thresholds; or
3. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

B. Application. The following material or information is required to be submitted for development subject to site plan review:

1. A complete application for site plan review on forms furnished by the City.
2. Project description.
3. Site plan, drawn to scale and showing location and size of all uses and structures, critical areas, buffers, area of disturbance, setbacks, landscaping, parking, easements, and utilities.
 - a. A topographic map based on a site survey prepared by a licensed surveyor in the state of Washington may be required for project sites slopes of 10% or greater. The site survey shall include existing and proposed contours at no less than five-foot intervals and shall identify any critical areas.
4. Circulation plan illustrating all access points for the site, size and location of all driveways or drive aisles, turning radii, and proposed pedestrian circulation system.
5. A complete SEPA environmental checklist, when required.
6. Public notification submittals, when required by Title 14.

C. Criteria of Approval. Site plan review shall be processed in accordance with Chapter 14.12 and shall only be approved when the planning director / city planner determines the site is compliance with city code.

D. Duration of Permit Approval. An approved site plan shall expire three (3) years from the date of permit issuance, unless the site plan approval is appealed in accordance with Chapter 14.12, in which case the permit shall expire three years following the date of the decision on the appeal.

(Ord. No. 527, § 1, 6-14-2022)

17.44.055 Addressing Standards

A. Purpose.

1. The purpose of this section is to establish a uniform method for naming streets and assigning street addresses for real property and structures within the city, consistent with the regional addressing standards for Spokane County.

B. The goals of Section 17.44.055 are as follows:

1. Facilitate expedient emergency response by medical, law enforcement, fire, rescue, and any other emergency services.

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2. Regulate the display of property address numbers and provide for accurate street name signage, installation, and maintenance thereof.
 3. Provide property owners, the general public, emergency responders, and government agencies and departments with an accurate and systematic means of identifying and locating property and/or structures.

C. Applicability.

1. This section applies to addresses for real property and structures situated within the city. The city may name or rename streets pursuant to the adopted Millwood street standards, and assign or reassign addresses as necessary to further the purposes of this section.
2. These provisions shall apply to the assignment of addresses to all new buildings or properties.
3. All nonconforming addresses may be changed to conform to the standards set forth in 17.44.055.

D. Administration.

The planning director / city planner shall administer the provisions of 17.44.055, except as otherwise provided for herein. The city will coordinate with Spokane Valley Fire or the fire district serving the subject area to be addressed.

E. The City shall participate in the use of the regional addressing grid system described in this subsection:

1. Sprague Avenue divides the region into north and south addresses.
 - a. No part of the City of Millwood is located south of Sprague Avenue (Spokane Valley).
 - b. All directional designations are referenced as north for City of Millwood.
2. Division Street divides the east and west addresses.
 - a. No part of the City of Millwood is located west of Division Street (Spokane).
 - b. All directional designations are referenced as east for City of Millwood.
3. On streets running north and south:
 - a. Addresses shall have even numbers on the east side of the street; and
 - b. Addresses shall have odd numbers on the west side of the street.
4. On streets running east and west:
 - a. Addresses shall have even numbers on the south side of the street; and
 - b. Addresses shall have odd numbers on the north side of the street.
5. The appropriate directional designation or abbreviation (e.g., "North" or "N.") is part of the address and follows the number. For example, a lot on the east side of a street named "City Street" would have a street address of "10 N. City Street" with the number consistent with the surrounding address grid.

F. Addressing standards.

1. Each property owner who has addressable property within the city and has not been assigned an address has a responsibility to apply to the city for a physical address for that property.
2. Application for each address assignment prior to the issuance of a building permit (temporary addresses) shall include, at a minimum, a site map showing any proposed or existing structures, driveways, and approach locations.

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3. The numbering of addressable properties or structures along each street shall begin at the appropriate grid point of origin and continue in sequence. No address along a street shall be out of sequence in relation to the adjacent addresses.
 4. Each block along a street may have up to 100 address numbers. The hundred series shall change upon crossing a street intersection or in the best possible alignment with the established address grid if applicable, with the exception of intersecting driveways and/or alleys. The hundred series along a public street shall not change upon crossing a private street unless deemed necessary by the planning director / city planner for continuity of address sequencing.
 5. Private streets wholly contained within plats shall be assigned the hundred series as if they were public streets. Except for loops and circles, two uniquely named streets may not intersect more than once (e.g., Main Ave. should not intersect Cherry Lane at 201 E. Main Ave. and also intersect Cherry Lane at 401 E. Main Ave.). Loops and circles shall be reviewed on an individual basis and require approval by the planning director / city planner.
 - ~~6. Addresses along a street shall have even numbers on one side of the street and odd numbers on the other side of the street pursuant to 17.44.055, as now adopted or hereafter amended.~~
 6. Individual address numbers shall be assigned to fit within the block range of the street segment to which the address is assigned (e.g., a new address that is assigned to the 9000 block of E. Frederick Ave. shall be assigned a number between 9001 and 9099). Individual addresses shall be assigned to be consistent with adjacent blocks of the same north-south or east-west orientation.
 7. Addresses accessed via a shared driveway shall be assigned based on the point of origin of the driveway from the connecting street and shall be sequential.
 8. Addressable property or structures shall be assigned based upon the street from which primary vehicular access to the property or structure is obtained, with the following exceptions as determined by the planning director / city planner:
 - a. Commercial and public facility structures may be assigned an address based upon the street the main entrance faces and not necessarily the access street.
 - b. Residential structures on corner lots may be assigned an address based upon the street the main entrance faces and not necessarily the access street.
 9. Fractional addresses shall not be used (e.g., no "101 1/2 E. Main Ave.").
 10. Address numbers shall not contain any nonnumeric characters (e.g., no "118a").
 11. Addresses on individual parcels in the city of Millwood shall comply with the following:
 - a. The street number shall be four or five numbers.
 - b. No address shall have two or more zeros in a row at end of address unless referencing the location of a utility or communication facility.

G. ~~Change in street or address status.~~

If a public or private street is altered, the planning director / city planner shall review the alteration and may assign a corrected street name and/or address pursuant to this section. If the access to an individual address is altered, the planning director / city planner shall assign a corrected address pursuant to this section (e.g., the owners of 201 E. Cherry Lane change the location of their access from Cherry Lane to Houk Lane necessitating an address on Houk Lane)

H. ~~Multiple units.~~

1. Duplex units shall be assigned a separate and unique address for each unit.

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2. Accessory dwelling units (ADUs) shall be assigned a unit designation with reference to the same address as the primary dwelling and shall follow the addressing standards in this section (e.g. primary residence is 101 E. Main Ave; Unit A; ADU #1 is 101 E. Main, Unit B; and ADU #2 is 101 E. Main, Unit C). Primary residence may be required to utilize a Unit A designation for emergency response purposes, as determined by the planning director / city planner in consultation with the fire district.
 3. Manufactured home parks which contain dwelling units fronting on a public or private street(s) shall be assigned one address for each dwelling unit. Manufactured home parks which contain dwelling units fronting on an unnamed private access street(s) shall be assigned one address for the entire property, and a secondary address assigned for individual spaces by the manufactured home park owner subject to approval by the planning director / city planner (e.g., "10201 E. Trent Ave., Space 1").
 4. Multiple unit complexes shall be assigned one address for the property based upon the street from which vehicular access to the structure is obtained, except as otherwise provided herein. If necessary, the planning director / city planner may assign an address based upon the street the main entrance faces (e.g., "3012 N. Fowler Rd, Space 10"). If additional parcels are added to an existing development, and access is taken through the existing development, a "0 Address Unknown" will be assigned to the new parcel to aid in emergency response.
 5. Structures within multiple unit complexes shall be assigned a building designator for each structure, as opposed to a unique address (e.g., "123 E. Main Ave., Building A"), unless an exception is granted by the planning director / city planner. The building designators shall be generally arranged in a counterclockwise rotation from the point of entry.
 6. When secondary addresses are assigned to multiple unit structures with individual building designations, the unit designator shall include the building designation (e.g., "123 E. Main Ave., Apartment A200" or "123 E. Main Ave., Building A, Apartment 200").
 7. When secondary addresses are assigned to buildings with multiple floors, all above-ground units shall be assigned a three-digit number (or higher) where the beginning number shall represent the floor upon which the unit is located (e.g., first-floor units would be assigned three-digit numbers beginning with 1, "Apartment 101"; tenth-floor units would be assigned four-digit numbers beginning with 10, "Apartment 1001").
 8. Units within below-grade stories shall include the alphabetical characters "LL" to indicate lower level, and then be assigned a three-digit number where the beginning number shall represent the floor upon which the unit is located (e.g., all units in the first level below grade would be assigned three-digit numbers beginning with 1, "Apartment LL101"; units on the second level below grade would be assigned three-digit numbers beginning with 2, "Apartment LL201").
 9. If a remodel of a multiple-unit structure alters the number or configuration of units, the addresses of units within said structure shall be updated to remain in compliance with these standards.
 10. If a remodel of a single-unit structure creates a multiple-unit structure, the address units within said structure shall be updated to remain in compliance with this section.
 11. When secondary addresses are assigned to individual multifamily dwellings (including apartments and condominiums), the units shall use the unit designator for apartment (Apt) or unit (Unit).
 12. When secondary addresses are assigned to individual dwellings/spaces in manufactured home parks, the units shall use the unit designator for space (Spc).

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13. When secondary addresses are assigned to individual commercial suites or tenant spaces within a commercial structure(s), the units shall use the unit designator for suite (Ste).
 14. When secondary addresses are assigned to a mixed use commercial / residential building, the building should use the unit designator for unit (Unit) or select unit designators based on #15 below to best fit the project (i.e. combination of Ste for commercial floors, such as Suite 100, Suite 200, and Unit for residential floors with individual dwelling units, such as Units 301, 302, 303, and 304).
 15. All other multiple-unit structures not previously described shall contain a unit designator which most closely identifies the unit's location, and which is in accordance with current postal addressing standards.

I. Final plat / short plat / BSP addresses.

Temporary addresses assigned during the preliminary plat review shall be indicated on the final short plat, plat, or binding site plan drawings. The permanent physical addresses shall not be issued prior to recording the approved final short plat, plat, or binding site plan.

J. Display of address.

1. On currently existing structures, or hereafter erected, the owner of the property or structure shall conspicuously place the correct address pursuant to these standards. Addresses shall be displayed on all new and existing buildings. Letters, numbers, or symbols shall meet the following standards:
 - a. The posted address shall be metal or other durable material.
 - b. The numbering/lettering shall be at least four inches in height, and one-half inch in stroke width. In cases where conditions adversely affect the visibility and/or legibility of the numbers, additional numbers, larger numbers, or other modifications may be required in coordination with the city and Spokane Valley Fire or the fire district serving the subject area to be addressed.
 - c. The posted address shall contrast with its background.
 - d. The address shall be placed on the structure plainly legible and visible from the street on which vehicular access is provided to the property or structure.
 - e. Addresses shall be visible from all directions of travel.
2. Structures located in excess of 100 feet from the street fronting the property or that are unable to be seen from the street fronting the property, shall display the address on a sign, monument, or post not less than three feet or greater than seven feet above the ground and located at the entrance to the property from the nearest street. The structure shall display additional posting at the structure location.
3. If two or more addressable structures share a common primary access, and any one of the addressable structures is located more than 100 feet from the street designated in the assigned address or a structure is unable to be seen from the street designated in the assigned address, the addresses for each structure shall be posted at the intersection of the shared access and the named street on a sign or post not less than three feet or more than seven feet above the ground, and each structure shall display additional posting at the structure location.
4. Address numbers, signage, location, and sizing shall be maintained by the responsible property owner. Spokane Valley Fire / fire districts, in coordination with the city, may require modifications to these standards if deemed appropriate for fire and life safety.

K. List of established street names, assigned addressing, and mapping.

Public and private streets and addresses within the city shall be maintained in a publicly viewable database which may be part of a larger database for all or a portion of Spokane County. The City may participate in any regional committees, organization, or entity to maintain, manage, review, or have control over such database.

L. Deviations from literal compliance.

Applicants may request minor deviations from any requirement in 17.44.055. The applicant shall identify the requested deviation, including the basis for the request, to the city in writing. The planning director / city planner may grant minor deviations in instances where complete compliance would create an obvious practical problem, provided the deviation still adequately addresses the property for location by emergency service providers and to promote the other purposes of 17.44.055. The city may consult with Spokane Valley Fire/fire districts/other impacted agencies in approving deviations.

M. Definitions. Refer to Title 17, Appendix A.

17.44.060 Variance permits.

In some cases, circumstances may exist such that the strict application of the provisions of the zoning code may cause practical difficulties regarding the use of a property. Following the demonstration by the property owner of circumstances outlined in Section 17.44.065, the property owner may be granted a variance from the provisions of the zoning code. No variance shall be granted which would permit the establishment of a use otherwise prohibited in the zone in which the property is located.

(Ord. No. 527, § 1, 6-14-2022)

17.44.065 Variance permit application process.

- A. Variance—Application. Application shall be made in writing by the property owner or his or her agent to the planning director on the appropriate application forms available from the planning department. The variance permit application fee shall be set by resolution of the city council.
- B. Variance—~~Processing Public Hearing. A variance request shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process. The city shall provide or shall cause public notice to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments. A public hearing to consider a request for a variance permit shall be held pursuant to Chapter 14.12 and notice shall be given in accordance with Section 14.12.080(D).~~
- C. Variance Permit—~~Approval Granting by Hearing Examiner.~~ Applications for variances from the terms of the zoning ordinance, under procedures and conditions prescribed by this chapter and Chapter 14.12, shall be granted only if the ~~hearing examiner~~city finds:
 - 1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
 - 2. The variance shall ensure that the intent and purpose of the zoning code is maintained with regard to location, site design, appearance, landscaping and other features of the proposal; and
 - 3. Such variance is necessary, because the strict application of the zoning code creates unnecessary hardship and practical difficulty due to special circumstances relating to size, shape, topography,

location or surroundings of the subject property and the strict application of the zoning code is found to deprive the property of rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

4. The granting of such variance will not be materially detrimental to the environment, public interest, general welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
 5. The granting of the variance shall not be substantially based upon precedent established by illegal or nonconforming circumstances; and
 6. The variance shall not result in a de facto zone change.
- D. All variance permits approvals shall ~~be signed by the mayor and shall~~ stipulate restrictions or conditions that safeguard and uphold the spirit and intent of the zoning ordinance and mitigate any adverse effect upon the neighborhood properties by reason of the variance allowed, as determined by the hearing examiner.
- E. ~~Variance Permit~~—Termination of Variance Permit. The planning director shall have at any time the right and duty to investigate any complaints concerning the use of any structure or property in accordance with the provisions covering variance permits, and in accordance with 17.44.160. Upon ~~his or her~~ the planning director's finding that the use or continued use of said premises is contrary to the provisions of this title establishing conditions for such use, then ~~he or she~~ the planning director, or designee, shall forthwith issue a cease and desist order prohibiting the use or continuance of use of said premises for said purpose and it shall be abated as a public nuisance. Any order of cease and desist issued by the planning director shall be appealable in writing ~~to the planning commission for a period of twenty-one (21) days after the issuance of the order~~ per the administrative appeal provisions in Chapter 14.12 and specifically 14.12.140.
- F. If not otherwise specified, any variance permit authorized shall terminate at the end of one year unless the authorized use has been established and is being actively maintained or unless construction is being actively pursued. Applicants may apply for a 180-day extension, as outlined in 17.44.040, subsection B(1).

(Ord. No. 527, § 1, 6-14-2022)

17.44.070 Conditional use permit.

- A. Uses referred to in this chapter as special permit uses or designated in this chapter as conditional uses shall be permitted, enlarged or altered upon approval ~~of the city council~~ by the city in accordance with the standards and procedures of this chapter and Chapter 14.12.
- B. In addition to any land uses that may now or hereafter be expressly identified as conditional, conditional uses are those which may be appropriate, desirable, convenient or necessary, but which by reason of their nature, including height or bulk or the creation of traffic hazards or parking problems may be injurious to the public health, safety, welfare, comfort and convenience unless appropriate conditions are imposed.

(Ord. No. 527, § 1, 6-14-2022)

17.44.080 Conditional use permit—Application.

Application shall be made in writing by the property owner or his or her agent to the planning director on the appropriate application forms available from the planning department. The conditional use permit application fee shall be set by resolution of the city council.

(Ord. No. 527, § 1, 6-14-2022)

17.44.100 Conditional use permit—~~Public hearing~~Processing.

~~A conditional use permit request shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process. The city shall provide or shall cause public notice to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments. An open record pre-decision public hearing to consider a request for a conditional use shall be held following procedures pursuant to Chapter 14.12 and notice shall be given in accordance with Subsection 14.12.080(D).~~

(Ord. No. 527, § 1, 6-14-2022)

17.44.110 Conditional use permit—Review—Findings of fact—~~City council's decision~~.

~~In accordance with Chapter 14.12, the hearing body/decision body After the open record pre-decision public hearing before the planning commission, the planning commission shall make written findings of fact based on the evidence presented to the planning commission for consideration. When the hearing body provides a recommendation to the decision body, A~~ recommendation, together with a summary of the record and reasons for the recommendation shall be forwarded to the city council decision body by the planning commission hearing body. The ~~city council decision body~~ shall provide a final decision in accordance with 14.12.120 Final decisions. ~~after an examination of the recommendations and reasons determine to:~~

~~A. Affirm the recommendation by granting or denying the permit based on the reasons given; or~~

~~B. Conduct a closed record hearing to review the entire record and recording of the testimony and take such action as, in its opinion, is indicated by such evidence; or~~

~~C. Refer the matter to the hearing examiner for further consideration in a closed record hearing, which may include but is not limited to, review of the planning commission recommendations and/or decisions, or any other act directed by the city council that is consistent with this title, provided, however, all final decisions shall be made by the city council.~~

(Ord. No. 527, § 1, 6-14-2022)

17.44.120 Conditional use permit—Granting by city councilDecision.

The city council decision body, may, after application has been duly filed ~~and after an open record pre-decision public hearing by the planning commission, processed, and reviewed~~, grant a conditional use permit for any use designated in this chapter code as a conditional use when it is found that:

- A. The proposed use is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the property on behalf of which the application was filed is located, as embodied in this title and in any plan or portion thereof adopted or proposed as part of said general plan; and

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- B. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

~~Permits for conditional uses shall be signed by the planning director and~~Approved conditional use permits shall stipulate restrictions or conditions which may include a definite time limit, provisions for a front, side or rear yard greater than the minimum requirements of the zoning ordinance, suitable landscaping, additional off-street parking, and any other reasonable restrictions, conditions, or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate any adverse effect upon the neighborhood properties by reason of the use extension, construction, or alteration allowed.

(Ord. No. 527, § 1, 6-14-2022)

17.44.130 Conditional use permit—Conditions or limitations—Termination of permit.

- A. The planning director shall have at any time the right and duty to investigate any complaints concerning the use of any structure or property in accordance with the provisions covering conditional uses, in accordance with 17.44.160. Upon ~~his or her~~the planning director's finding that the use or continued use of said premises is contrary to the provisions of this title establishing conditions for such use then ~~he or she~~the planning director or designee, shall forthwith issue a cease and desist order prohibiting the use or continuance of use of said premises for said purpose and it shall be abated as a public nuisance. Any order of cease and desist issued by the planning director shall be appealable in writing ~~to the planning commission for a period of twenty-one (21) days after the issuance of the order~~per the administrative appeal provisions in Chapter 14.12 and specifically 14.12.140.
- B. If not otherwise specified, any conditional use permit authorized shall terminate at the end of one year unless the authorized use has been established and is being actively maintained or unless construction is being actively pursued. Applicants may apply for a 180-day extension, as outlined in 17.44.040, subsection B(1).

(Ord. No. 527, § 1, 6-14-2022)

17.44.135 Temporary use permit.

Where permitted and in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process, the planning director has the authority to approve temporary use permits provided:

- A. A temporary use application is submitted and approved.
- B. A written restroom facility agreement with an adjoining commercial business is submitted. The adjoining commercial business must be lawfully in existence, including having a lawfully issued certificate of occupancy.
- C. The temporary use will be restricted to the same hours and days of operation as those of the adjoining business.
- D. The director may require a traffic and parking plan.
- E. The director may include any conditions for the temporary use permit deemed necessary in order to reasonably mitigate any adverse impacts anticipated from the permit.
- F. The director may approve a temporary use for a period not to exceed six months in any 12-month period.

G. Uses proposed to take place in the public right-of-way, including on sidewalks, or in publicly owned places shall obtain a right-of-way and/or special event permit in accordance with MMC Title 12. Millwood Public Works shall coordinate with the planning director as needed for the specific use.

(Ord. No. 527, § 1, 6-14-2022)

17.44.140 Special permit—Fee.

To defray the costs of administering this chapter, the city council may establish and adopt a fee schedule for special or project permit applications and requests for interpretation filed pursuant to this title. The applicable fee shall accompany each permit application under this chapter and any request for interpretation of this title.

(Ord. No. 527, § 1, 6-14-2022)

17.44.150 Zone change.

Circumstances may arise that make it necessary to revise zoning districts. An application for a zone change may be made when changes in economic, technological, or land use conditions have occurred which warrant modification of a zoning district, in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process.

- A. A proposal to change a zone may be initiated by a majority vote of the city council or the planning commission in regular session; or
- B. The owner or owners of any property or properties may apply in writing to the planning director for a zone change. The application shall be made in writing by the property owner or his or her agent on the appropriate application forms available from the planning department. An application fee may be established pursuant to this chapter. The application for a zone change must, at a minimum, show the following:
 - 1. The date the existing zone became effective;
 - 2. The changes in the economic, technological or land use conditions that have occurred to warrant a zone change;
 - 3. That the proposed zone change is not detrimental to the environment, public health, safety and general welfare;
 - 4. The effect the proposed zone change will have on the value and character-quality of life of adjacent property;
 - 5. The effect on the property owner or owners if the request is not granted;
 - 6. Such other information the planning director or planning commission requires.

The Millwood zoning map is consistent with the land use map in the city Comprehensive Plan; therefore, approval of a zone change will also require amendment to the Comprehensive Plan Land Use Map to maintain consistency.

- C. Zone Change—Public Hearing. The planning director shall, upon receipt of a complete application and required fees, request an open record public hearing before the planning commission. An open record public hearing to consider a request for a zone change shall be held pursuant to Chapter 14.12 and notice shall be given according to Subsection 14.12.080(D), and by mailing by first-class mail the notice of public hearing to all property owners of record within four hundred (400) feet of the subject property in accordance with Chapter 14.12.

D. Zone Change—Decision. The planning commission shall make a recommendation to the city council to approve or disapprove the proposed zone change following an open record public hearing in accordance with the standards and procedures of this chapter and Chapter 14.12. The planning commission may recommend approval of a zone change when it is found that:

1. The proposed zone change is not detrimental to the environment, public health, safety and general welfare;
2. The proposed zone change is in harmony with the surrounding land uses and zoning district;
3. The proposed zone change will not be detrimental to the use or development of adjacent properties or the general neighborhood;
4. The applicant has clearly shown that changes in the economic, technological or land use conditions have occurred which warrants a zone change; and
5. The proposed zone change will not have a negative effect on the value of adjacent property.

Within thirty (30) days of the hearing, the planning commission shall deliver its written recommendation to the city council, which will then make a final decision on the basis of the planning commission recommendation and the record, in accordance with 14.12.120 Final decisions. Zone change final decisions shall stipulate reasonable restrictions or conditions that would uphold the spirit and intent of the zoning ordinance and mitigate any adverse effect upon the neighborhood properties by reason of the zone change allowed. ~~The city council may conduct a closed-record hearing on the matter or may refer the matter to the hearing examiner for further consideration in a closed-record hearing, which may include but is not limited to review of the planning commission recommendations and/or decisions, or any other act directed by the city council that is consistent with this title, provided, however, all final decisions shall be made by the city council.~~

E. Transmittal to the state of Washington. At least sixty (60) days prior to final action being taken by the city council, the Washington State Department of Commerce (WSDC) shall be provided with a copy of the proposed zone change/Comprehensive Plan Future Land Use Map amendment, in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to WSDC.

~~EE.~~ Zone Change—Enforcement. The planning director shall have at any time the right and duty to investigate any complaints concerning the use of any structure or property in accordance with the provisions covering zone changes, in accordance with 17.44.160. Upon ~~his or her~~ the planning director's finding that the use or continued use of said premises is contrary to the provisions of this title establishing conditions for such use then ~~he or she~~ the planning director or designee shall forthwith issue a cease and desist order prohibiting the use or continuance of use of said premises for said purpose and it shall be abated as a public nuisance. Any order of cease and desist issued by the planning director as above provided shall be appealable in writing ~~to the planning commission for a period of twenty-one (21) days after the issuance of the order~~ per the administrative appeal provisions in Chapter 14.12 and specifically 14.12.140.

(Ord. No. 527, § 1, 6-14-2022)

17.44.160 Violation—Penalty.

It is the intent of this section to provide the procedures to be used in enforcing the provisions of this title, Title 14, Title 15, Title 16, and Title 18, as applicable, to further the purposes and objectives thereof. It shall be the duty of the planning director, or a designated representative, to interpret and enforce the provisions of this title and conditions of approval imposed by actions of the city council, planning commission, hearing examiner, or

planning department. This section shall apply to any violation of this title and shall be in addition to other remedies or penalties prescribed in any other section or subsection for the violation. The procedures set forth in this section are not exclusive. These procedures shall not in any manner limit or restrict the City of Millwood from remedying violations or abating violations in any manner authorized by law.

A. Civil Enforcement.

1. Investigation of alleged violation. The planning director or designee shall, upon receipt of a written complaint of violation from any interested citizen, investigate the claim and determine whether a violation has occurred or is occurring. The planning director or designee may also commence investigation on ~~its~~their own initiative when it has reason to believe that a violation has occurred.
 - a. The planning director or designee shall make the determination based on information derived from sources such as field observations, the statements of witnesses, relevant documents and applicable Millwood codes.
 - b. Any physical inspection of a property must comply with legal right of entry requirements, as established by state and constitutional law.
2. Noncompliance. Any person who fails to conform to the terms of a permit or decision issued under this title or who undertakes a development or use within the city in violation of the provisions of this title shall be subject to a civil penalty per Chapter 8.14. Each day of violation shall constitute a separate violation.
3. Aiding and Abetting. Any person who, through an act of commission or omission, aids or abets in a violation of this title shall be considered to have committed a violation for the purposes of a civil penalty.
4. Notice of Penalty or Violation. Whenever the planning director determines that a person has committed a violation of Titles 14, 15, 16, 17, or 18 of this Code or any condition of approval, the planning director shall issue a notice of violation in writing, served upon the property owner of record and/or those person(s) who are creating or contributing to the violation such person~~by~~ by either certified mail, postage prepaid, return receipt requested, or by personal service. The notice shall include, at a minimum, the following information:
 - a. The name and address of the owner of record or taxpayer or other person to whom the notice or order is directed;
 - b. The street address, when available, or a legal description or parcel number sufficient to identify the building, structure, lot or land upon which the violation is occurring;
 - c. A statement that the planning director has found the building, structure, lot or land is being used or maintained in violation of ~~this title~~(reference MMC title, chapter, or section) or conditions of approval and a description of the specific nature of such violation and the damage or potential damage (if applicable), including applicable title sections;
 - d. A statement of the action required to be taken, such as a cease and desist order, as determined by the planning director, and a date for correction, which shall be not less than ~~twenty-one~~ (21-20) days from the date the planning director sends the notice, unless the planning director has determined the violation to be immediately hazardous, in which instance the planning director shall require immediate correction of the violation;
 - e. A statement of the applicable penalty and that each day in violation is a separate offense; and

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- f. A statement that the planning director's determination of violation may be appealed in writing ~~with the applicable appeal process clearly stated to the city council within twenty-one (21) days of the final date for correction.~~
5. Proof of Service. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and manner by which service was made.
6. Remission or Mitigation. At any time prior to the date for correction, the person incurring the penalty may apply in writing to the planning director for remission or mitigation of such penalty. Upon receipt of the application, the planning director shall set a date to hear the applicant and may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section shall be subject to review by the city council or hearing examiner, as applicable.
7. Voluntary compliance agreement. Any person incurring a penalty under this title may enter into a voluntary compliance agreement as provided for in Chapter 8.14.
8. Effective Date. A notice of violation or cease and desist order issued under ~~paragraph subsection~~ 4 above shall become effective immediately upon receipt by the person to whom the order is directed.
9. Compliance. Failure to comply with a notice of violation, cease and desist order or a voluntary compliance agreement, or a repeat violation shall constitute a refutable presumption that the conduct is intentional, willful and knowing for the purpose of prosecuting a criminal violation.
10. Final Determination and Appeal. A notice of violation issued pursuant to this chapter constitutes a determination from which an administrative appeal may be filed in writing per the administrative appeal provisions in 14.12.140, Chapter 8.14, or Title 15, as applicable with the selection made by the planning director in accordance with 14.12.140, subsection H.
~~to the city council may be taken pursuant to this title.~~
- B. Criminal Enforcement—Penalties for Violation. Any person who intentionally, knowingly or willfully violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this title or conditions of approval imposed by actions of the city council, planning commission, hearing examiner, or planning director shall be guilty of a misdemeanor. Repeat violations, or violation of a notice of violation, voluntary compliance agreement or cease and desist order, creates a presumption of willful violation. If convicted of such a violation, punishment shall be by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment in the county jail not to exceed ninety (90) days, or both such fine and imprisonment for each offense. Each day in violation shall be deemed a separate offense.
- C. Investigation Fee. An investigation fee shall be assessed at one hundred (100) percent of the applicable fee total for all permits required on a project when work is started without the required permits and shall be assessed as an additional fee.
- D. Public Nuisance/Injunction. Any use in violation of this title shall be deemed a public nuisance, which, in addition to all other remedies or punishments, may be abated by injunctive relief in accordance with Chapter 8.14.
- E. Extension of time to correct. For good cause shown, the planning director may extend the date for correction in the notice of violation or cease and desist order an additional thirty (30) days. In the event that an extension is granted, the affected party shall have twenty-one (21) days from the amended date for correction to appeal such notice or order.

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- F. The planning director may utilize the provisions in Chapter 8.14 Alternative Enforcement and/or Title 15, as needed or as applicable to the situation.
 - G. Education. Whenever possible, the city should heighten the awareness of what constitutes nuisance code violations across the city by providing resource brochures and outlining the process to address each violation type, with an emphasis on education and voluntary compliance (per MMC Chapter 8.14). Education and voluntary compliance should be utilized prior to issuing fines or citations and possibly utilize partnerships with community organizations to assist vulnerable residents with meeting code requirements without displacement.
 - H. If the city elects to utilize an interlocal agreement or services contract for code enforcement, the interlocal agreement/services contract shall specify if enforcement will be conducted per the MMC or the applicable entity's nuisance and code enforcement provisions, in order to have a clearly outlined code enforcement process which may differ by violation type.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.48 ESSENTIAL PUBLIC FACILITIES

17.48.010 Purpose.

The purpose of this chapter is to regulate the siting of Essential Public Facilities (EPFs) including Secure Community Transition Facilities (SCTFs) in order to promote the health, safety, and general welfare of the citizens of the City of Millwood, and to establish reasonable and uniform regulations to prevent the adverse effects of the siting of EPFs and SCTFs within the city. In enacting this chapter, it is not the intent of the city ~~council~~ to restrict rights of individuals protected by State or Federal Constitutions. It is the intent of the city ~~council~~ to protect the life, safety, and public welfare of the citizens of the City of Millwood.

(Ord. No. 527, § 1, 6-14-2022)

17.48.020 Applicability.

The standards established in this chapter apply to all Essential Public Facilities (per RCW 36.70A.200) which make application to the city after completion of the Spokane County Regional EPF Siting Process.

(Ord. No. 527, § 1, 6-14-2022)

17.48.030 Reserved.

17.48.040 Limitations.

The standards established in this chapter shall not be construed to restrict or prohibit the rights of individuals protected by State or Federal Constitutions.

(Ord. No. 527, § 1, 6-14-2022)

17.48.050 Location of EPFs.

EPFs as defined herein shall be allowed in ~~zoning districts~~zones as set forth in Title 17 and as set forth below:

UR-1	SCTFs.
UR-2	SCTFs.
C-1	Education facilities, community centers, SCTFs, correctional facilities, and social service facilities.
C-2	Educational facilities, community centers, and SCTFs.
I-1	Correctional facilities, airport facilities, community centers, parks and recreation facilities , SCTFs, solid waste facilities, <u>organic materials management facilities</u> , wastewater facilities, and water facilities.
<u>I-2</u>	<u>SCTFs (refer to MMC 17.34.010) & Utilities</u>
PR -1	Public safety facilities, parks and recreation facilities, community centers, and water facilities.
Allowed in all zones:	Transportation facilities.

(Ord. No. 527, § 1, 6-14-2022)

17.48.060 EPF permitting.

The permitting of all EPFs shall be in accordance with the conditional use process in Chapter 17.44.070—130. After required public hearings, EPFs may be conditioned to assure the public's health, safety, and welfare.

(Ord. No. 527, § 1, 6-14-2022)

17.48.070 Secure community transition facilities.

Secure Community Transition Facilities (SCTF) may be permitted in all ~~zoning districts~~zones, with the exception of ~~PR-1 public reserve area-district~~zone, by conditional use permit. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of, sight of risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing, ~~by the planning commission, the city council~~ the decision body may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the ~~city council~~decision body shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.

(Ord. No. 527, § 1, 6-14-2022)

17.48.080 Limitations of liability.

None of the provisions of the chapter are intended to create a cause of action or provide the basis for a claim against the city, its officials or employees through the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

(Ord. No. 527, § 1, 6-14-2022)

APPENDIX A DEFINITIONS

For the purpose of this title, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. Words not defined in this section shall be construed as defined in Title 1, Title 14, ~~or~~ Title 15, Title 16, or Title 18 of this Code, if defined therein, per WA State Law, per Appendix A of the City Comprehensive Plan, or per Merriam Webster Dictionary.

In the event of a conflict between the ~~two MMC titles, chapters, or sections,~~ Title 17 of this Code or the most recent definition contained in Title 14, Title 15, Title 16, Title 18, or WA State Law shall prevail.

"Accessory Dwelling Unit (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. (per RCW 36.70A.696(6)).

"Accessory use or building" means a subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building, such as a private garage.

"Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation. (per RCW 36.70A.030).

"Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way. (per RCW 36.70A.030).

Addressing Includes the following:

"Address" means A property location identification with the following format: address number, directional prefix, street name, street type, building designator, and secondary address (e.g., "123 E. Main Ave., Apt. 456"). The following elements are required: address number, street name, and street type. The following elements may be optional: directional prefix, building designator, and secondary address.

"Address number" means the numeric designation for an addressable parcel, structure, or unit.

"Addressable" means a property required to be assigned an address pursuant to MMC 17.44.055

"Addressable property, addressable structures, addressable sites, addressable lots, or addressable units" means the habitable or legally occupied structure on a parcel, but may also include other structures or sites as determined necessary by the planning director / city planner.

"Addressing grid system" means the address number and directional system in a particular area such as a grid system or block system.

"Building designator" means a single character alphabetic descriptor for a single building within a multiple unit complex (e.g., "1221 E. Sprague Avenue, Bldg. A").

"Directional prefix" means a single or double character alphabetic descriptor preceding a street name consisting of any combination of the cardinal directions of north, south, east, and west which are generally used in specific street naming schemes (i.e., N, S, E, W)

"Multiple units" means the presence of two or more addressable structures, addressable sites, or addressable units on a single parcel.

"Multiple unit complex" means an apartment, condominium, or business complex where there exist multiple buildings on a single site, and two or more buildings include multiple units.

"Multiple unit structure" means a single structure which contains two or more units.

"Street name" means the word or words either existing or, in the case of new or renamed streets, which are approved by the city, used in conjunction with a directional prefix and/or a street type to identify a public or private street.

"Temporary address" means an address assigned for the purpose of installing phone/electrical service or other utility on a parcel of land prior to an application for a building permit. Temporary addresses are subject to change at the time of building permit application.

"Unit" means a specific dwelling or commercial space amongst a larger group of dwellings or commercial spaces (e.g., apartment, suites, etc.).

"Unit designator" means an abbreviated word used in conjunction with a secondary address to describe the character of the unit, and will be in accordance with current USPS published standards.

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. (per RCW 36.70A.030).

"Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan. (per RCW 36.70A.030).

"Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, clothing store, or novelty shop which as one of its principal business purposes offers for sale or rent for any form of consideration, any one or more of the following:

- A1.** Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activity or any specified anatomical areas; or
- B2.** Instruments, devices, clothing, or paraphernalia designed for use in connection with any specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult entertainment" means and includes any of the following:

- A1.** Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on

matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas; or

- B2. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facilities" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home (AFH)" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- A1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos cassettes, slides or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
- B2. Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- C3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

- A. For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or
- B. For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit (RCW 36.70A.545).

"Agriculture (Urban)" means utilizing open space for garden cultivation, orchards, beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers, consistent with Blue Zone principles. Marijuana and similar production are excluded from agriculture (urban).

"Alley" means a strip of land, up to twenty (20) feet in width, dedicated and open to public use and providing vehicular and pedestrian access to the rear and/or side of properties which abut and have access to a road. Alleys shall only provide secondary access to properties, unless otherwise approved by the city. ~~a vehicular right-of-way not over twenty (20) feet in width.~~

"All lots zoned predominantly for residential use" means all zones in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radiofrequency signals.

- A. Omni-directional antenna is an antenna that sends or receives signals equally in all directions
- B. Directional antenna (also known as a "panel" antenna) transmits and receives radiofrequency signals in a specific directional pattern of less than three hundred sixty degrees.
- C. Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radiofrequency communications signals in a specific directional pattern.

~~**"Apartment house"** means any building or portion thereof that contains three or more dwelling units and may also include residential condominiums.~~

"Auto camp" means any plot of ground where accommodation is provided for two or more families of motorists or travelers to establish temporary or semipermanent residences in tents, automobile trailers, house cars, recreational vehicles or other portable or temporary habitations.

"Auto court" means any multiple-family dwelling or groups of dwellings which are designed or intended for the temporary or semipermanent residence of motorists or travelers.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Beehive" means a structure designed to contain one colony of honey bees (*apis mellifera*) and registered with the Washington State Department of Agriculture per Chapter 15.60 RCW or as hereafter amended.

"Beekeeping" means the keeping of beehives on a lot. See Agriculture (Urban) / Animal Keeping, use category.

"Bicycle stall" means parking for a bicycle in a designated, often secured area or device used to store bicycle(s), either a shared bike rack or racks within a corral that allows the bicycle frames to be secured with a lock, hung on bike hangers, put in a storage locker, stored within garages or bike rooms, etc., calculated at a ratio of required bicycle stalls to vehicle stalls or dwelling / sleeping units.

"Billboard" means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

"Blue Zone principles" means general guiding concepts, principles and patterns for designing and building model healthy communities to influence both individual and community health (<https://www.bluezones.com>). The twelve (12) Blue Zone principles are:

- A. People First Design - People, human-scale and quality-of-life trump speed and efficiency of autos. Designs and features of well-planned districts accommodate cars, but give greatest support and incentive to people on foot. Pedestrians receive highest support, followed by transit, bikes, freight, and then cars.
- B. Active Transportation is the Natural Choice - Walking and active movement are not only the natural choice, but the unavoidable choice. People walk and are active a minimum of one-hour per day, by design.
- C. High Bump-into-it-iveness - Mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement. A diversity of people live at this location (diverse in lifestyle, economic and social levels). Bumping into others happens naturally, through design of streets, open buildings and beautiful public spaces. Each building, block, park, other element or system creates natural engagement.
- D. Social Engagement is Easy - Layout and design of buildings and open spaces maximizes easy and natural mixing of people. No individual living in the community needs to walk more than 1,000 feet to engage others in a public setting.
- E. Green Design Enhances Everyday Life - The built environment is in harmony with the natural environment by featuring biophilic designs. To the maximum extent possible, all people are surrounded by green environments, where they live, shop, work and play; and people do not have to walk more than 1,000 feet to find a public gathering place. Trees and other natural elements are dominant features of all landscapes, helping address multiple needs of local aesthetics, environmental health, air quality and climatic (summer/winter) variations.
- F. Auto-Dependency is Reduced - Auto-Dependency is low to non-existent for many. Incentives for driving are no longer dictating the architecture and placement of buildings. Parking is un-bundled, metered and managed. Ideally, parking is placed at the edges, and most people enjoy walking to their vehicles as part of their more active lifestyles.
- G. Transit is Easy, Convenient and Comfortable - A variety of transit options and desirable walking routes to transit are featured. Options might include trolleys, trams, buses and water taxis. Intermodal stations are convenient, welcoming, comfortable and well connected. Transit is not just competitive to other modes, it makes possible, efficient, comfortable and enjoyable movement.
- H. Pavement is Minimized - Use of non-porous materials in streets, parking lots and other features is minimized. Potential water and pollution runoff, solar heat traps and auto-centric designs are minimized. Sustainable cities attracting the greatest number of new jobs, such as Seattle, now have an active "pavement to parks" program.

- I. Paths and Walkways - Paths (and low-volume streets) lead to activity centers, transit stops and other places of reward. Alignment of streets celebrates landmark places (natural and man-made). Individuals find it comfortable, easy, rewarding and memorable to walk, bike and travel to featured landmarks.
- J. Open Space - To the maximum extent feasible use nature to define districts. "Cities should not contain parks; parks should contain cities." – Frederick Law Olmsted
- K. Recreational Experiences can Happen Naturally - Places for play and social exchange are convenient, but natural play, rich in discovery, is also featured in streetscapes, parks, along trails or in plazas. Organized sports are accessible by trails and placed on perimeters, so these organized play fields do not overly-consume precious land and resources. Parking is on-street, not in the park.
- L. Community Streets - Use transportation to build the community, not divide it. Build streets to add value and livability to adjacent properties. The first priority of commercial streets is to maximize retail and social exchange.

"Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority (RCW 36.70A.200).

"Bus station area" means all lots that are:

- A. Fully within an urban growth area; and
- B. Fully or partially within one-quarter mile walking distance of a stop on a fixed route bus system that is designated as a bus rapid transit stop in the transit development plan as required in RCW 35.58.2795, for which an environmental determination has been issued as required under chapter 43.21C RCW, and that features fixed transit assets that indicate permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority. (per RCW 36.70A.030).

"Camouflage/conceal" means to disguise by using vegetation or other surface textures and colors; to place out of the public view.

"Changeable sign" means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

- A. "Electrically activated." Changeable sign whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.
- B. "Manually activated." Changeable sign whose message copy or content can be changed manually.

"Charging level" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- A. Level 1 is considered slow charging requiring a fifteen or twenty amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is considered medium charging requiring a forty amp to one hundred amp breaker on a 208- or 240-volt AC circuit.

- C. Level 3 is considered rapid charging requiring a sixty amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

"Co-living housing" means 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. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites. (per RCW 36.70A.535). Co-living housing is allowed on lots that allow at least six multifamily residential units, including on a lot zoned for mixed-use development.

"Co-location" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Comprehensive land use plan / comprehensive plan or plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to RCW Chapter 36.70a.

"Condominium" means 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 unit owners, and unless a declaration and survey map and plans have been recorded pursuant to chapter 64.34 RCW.

"Contractor yard" means a lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor, including plumbing, mechanical, and electrical or similar contractors.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. (per RCW 36.70A.030).

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court. (per RCW 36.70A.030).

"Daycare / child day care center / child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours (per RCW 43.216.010).

"Daycare (in home) / family day care provider / family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692 and RCW 43.216.010(2)(m), (per RCW 43.216.010).

"Development" means an improvement of a site or structure excluding normal maintenance and repair when the original floor area is increased more than thirty percent; when more than fifty percent of the original building area is replaced; or when over fifty percent of the facade is changed.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

“Development standards” means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

“Duplex” means a residential building with two attached dwelling units.

“Dwelling unit” means 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. (per RCW 36.70A.696(1)).

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes:

- A. Battery electric vehicle (BEV). Any vehicle that operates exclusively on electrical energy from an off-board source, that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- B. Plug-in hybrid electric vehicle (PHEV). An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- C. Neighborhood electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500; and
- D. Medium-speed electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.
- E. Provisions may also be made for facilities to support “Electric scooters and motorcycles”—Any two- or three-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle charging station” means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“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. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. (RCW 36.70A.030).

“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. (RCW 36.70A.030).

“Enclosure” means a room, cabinet or building used to house equipment for utility or service providers.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits. (per RCW 36.70A.030).

"Essential public facility" means the essential public facilities (EPFs) of a state and regional nature, and has the meaning as defined in the Millwood comprehensive plan and these facilities shall be conditional uses in the zones in which they are allowed. The planning commission shall designate the most appropriate zones for each facility determined to be an EPF that is not listed in this title. Before issuance of a conditional use permit for an EPF, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the Spokane County regional siting process for essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. (also see Local essential public facilities).

"Existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units (per RCW 35A.21.440 - New housing in existing buildings).

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for the other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depict sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

"Family" means any group of people living together as a single housekeeping unit, regardless of blood or marriage (aligns with fair housing standards and state law including RCW 36.70A.030). any number of individuals related by blood or marriage or not more than five unrelated individuals living together in a single dwelling unit.

"Farmers market" means a market in which farmers and growers sell produce directly to consumers on a seasonal basis. Secondly, the farmers market may also include prepared food, crafts and other goods handmade by the vendor.

"Fiveplex" means a residential building with five attached dwelling units.

"Flanking street" means a yard extending from the front yard to the rear yard except in the case of a corner lot when the side yard on the flanking street shall extend to the rear property line.

"Floor area ratio" means a measure of development intensity equal to building square footage divided by the developable property square footage. Developable property excludes public facilities and portions of lots with critical areas and critical area buffers as designated in RCW 36.70A.060, except for critical aquifer recharge areas

where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. (per RCW 36.70A.030).

"Fourplex" means a residential building with four attached dwelling units.

"Front lot line" means the line separating any lot or parcel of land from a street right of way. On a through or interior lot, the line abutting the street or driveway providing primary access to the lot is the front lot line. On corner lots, the property line that is not considered to be the front lot line shall be the flanking lot line.

"Front property line" means the front line as shown upon the official plats of the property.

"Front yard" means an open unoccupied space on the same lot with a building, between the front line of the building and the front property line.

"Garage" means a building or portion of a building in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

"Government facility" means any property that is owned or significantly controlled by the government.

"Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater. (per RCW 36.70A.030).

"Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- A. Is accessible to the public;
- B. Promotes physical and mental health of residents;
- C. Provides relief from the urban heat island effects;
- D. Promotes recreational and aesthetic values;
- E. Protects streams or water supply; or
- F. Preserves visual quality along highway, road, or street corridors. (per RCW 36.70A.030).

"Group homes, group-care homes":

"Group-care homes, Class I" means state-licensed foster homes for children, (not including nursing homes), homes for handicapped and the mentally ill, and homes for those with developmental disabilities, including adult family homes (AFH) regulated under RCW 70.128. Group-care homes, Class I are sub-classified as follows:

- A1. Group-care homes, Class I-A. A maximum of six residents or up to eight for AFH and two resident staff;
- B2. Group-care homes, Class I-B. A maximum of twelve residents and resident staff;
- C3. Group-care homes, Class I-C. A maximum of twenty residents and four resident staff.

"Group-care homes, Class II" means state-licensed group-care homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional institutionalization, and residential rehabilitation centers for current abusers of alcohol and drugs. Group-care homes, Class II, are sub-classified as follows:

- A1. Group-care homes, Class II-A. A maximum of six residents and two resident staff;
- B2. Group-care homes, Class II-B. A maximum of ten residents and two resident staff;
- C3. Group-care homes, Class II-C. A maximum of twenty residents and four resident staff.

"Harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services (RCW 36.70A.200).

"Height / Building height," for the purpose of this chapter, is measured from average grade level to the highest point of a structure except that television antennas, chimneys and similar appurtenances shall not be used in calculating height.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

"Impervious" means ground surfaces and coverings composed of water-impenetrable materials such as asphalt concrete, brick, stone or rooftops.

"Improved street" means a public street, highway or avenue in the city which has been dedicated and open to public use and which has been improved with asphalt or concrete.

"Laundromat" means a self-service facility providing machines for washing and drying of clothes and personal items.

"Livestock" means horses, mules, donkeys, burros, bovine, goats, llamas, alpacas, and sheep. Definition does not include pigs, swine, fowl, or rabbits. (Also refer in Livestock Unit in UR-1 Zone).

"Local essential public facilities (LEPFs)" mean those facilities providing a needed public service affecting or potentially affecting only residents and/or property within the jurisdiction in which they are located such as elementary schools, fire stations, and municipal parks. LEPFs shall be permitted through the conditional use process, if it is determined that they will have a negative impact on the health, safety, and public welfare inside of or outside of the municipal boundaries. The impact determination shall be based upon the review of an environmental checklist as required by the State Environmental Policy Act.

"Lot" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located (per RCW 36.70A.545).

"Low-intensity commercial" means the provision of those goods and services needed by residents. Those commercial and service establishments which because of their character contribute to, rather than detract from, the quality of residential use.

"Major transit stop" means (per RCW 36.70A.030):

- (a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, 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;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems; or
- (d) Stops on bus rapid transit routes, including those stops that are under construction.

"Major transit stop" means (as referenced for ADUs and Co-living housing only per RCW 36.70A.535(11)(b)):

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

(Also refer to definition for "Walking distance").

"Manufactured home" means a single-family residence constructed after June 15, 1976 and in accordance with state and federal requirements for manufactured homes.

"Manufactured/mobile home" means either a manufactured home or a mobile home.

"Manufactured/mobile home park" means a parcel under single ownership developed in such a way as to meet the requirements under this Code allowing for the placement of two or more individual manufactured homes, mobile homes or recreational vehicles on a lease or rental basis.

"Marijuana" means marijuana as defined in RCW § 69.50.101, as may be amended.

"Marijuana processor" means marijuana processor as defined in RCW § 69.50.101, as may be amended. A marijuana processor shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana producer" means marijuana producer as defined in RCW § 69.50.101, as may be amended. A marijuana producer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana-infused products" means marijuana-infused [products] as defined in RCW § 69.50.101, as may be amended.

"Marijuana retailer" means marijuana retailer as defined in RCW § 69.50.101, as may be amended. A marijuana retailer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. (per RCW 36.70A.030).

"Millwood approved manufactured home" means a manufactured home as defined in this section which:

- A1.** Is comprised of at least two fully enclosed parallel sections each of which is not less than fourteen feet wide by forty feet long;
- B2.** Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- C3.** Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

"Mixed-use development" means a group of densely configured structures planned and developed as a single entity and containing within and/or among them a variety of complementary, integrated, and/or supporting uses. The group as a whole must achieve physical and functional integration.

"Mixed-use structure" means a single structure containing at least two complementary, integrated, and/or mutually supporting uses. The structure must achieve physical and functional integration within itself.

"Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

~~**"Modular home"** means a structure constructed in a factory in accordance with the uniform building code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized" and "factory built" units.~~

~~**"Multifamily dwelling" or "apartment house"** means a building arranged to be occupied by more than two families and having separate baths and kitchens.~~

"Multi-Family or Multifamily Housing" means a building with six (6) or more attached dwelling units (also see Sixplex).

"New manufactured home" means any manufactured home required to be titled under RCW Title 46. 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).

"Nursing Home" means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state of Washington. (also referred to as convalescent home).

"Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies (per RCW 70A.205.015).

"Other adult entertainment facilities" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration, including places of business which employ, contract with, lease or let space to those massage operators who are not licensed by the state of Washington. Provided however, that the following public institutions shall not be considered adult entertainment facilities; library, school, university, or other public educational or scientific establishment. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. (per RCW 36.70A.030).

"Parcel" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute (RCW 36.70A.812/815). These standards focus on creating an airtight, well-insulated building envelope with balanced ventilation to achieve up to 90% less heating/cooling energy usage than conventional construction.

"Permanent sign" means any sign which is not a temporary sign and which is not exempted as defined in this chapter.

"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 paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. (RCW 36.70A.030).

"Person" means any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, and governmental entity.

"Political sign" means a temporary sign intended to advance a political statement cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign.

"Portable sign" means any sign not permanently attached to the ground or to a building or building surface.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (per RCW 36.70A.030).

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (per RCW 36.70A.030).

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Local Distribution Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public utility.

"Public Utility Transmission Facility" means any building, structure, or device which does not directly transfer to the public the service or supply provided by a public utility, including telephone, electric (greater than 55,000 volts or 55 KV), gas, cable television, water and sewer, and all other facilities, equipment, and structures, including substations, switching stations, and reservoirs.

"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.

"Public way" means any public or private street, alleys, pathways, or similar feature which the public has a right of use.

"Real estate sign" means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

"Rear property line" means the property line of a lot most nearly parallel to the front property line of the same lot.

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

"Related wireless communications equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (RCW 36.01.290 / RCW 36.70A.545). Also referred to as Church.

"Residential / Commercial Mixed Use" means a type of building or development that blends residential units with commercial spaces (retail, offices, restaurants, etc.) where at least 25% of the project is residential and at least 25% of the project is commercial. There are three (3) forms of residential/commercial mixed use:

"Vertical Mixed-use Developments" have different uses stacked vertically in a single building. The ground floor typically hosts retail or restaurants, with residential or office spaces above.

"Live-Work Buildings" are mixed-use structures that integrate residential living space with a dedicated, non residential workspace (such as an office, studio, or retail shop) within a single unit or building.

"Horizontal Mixed-use Developments" have different uses spread horizontally across different buildings and spaces within a single parcel or multiple parcels within a project.

"Risk potential land uses" mean those risk potential activities or facilities in existence at the time a site is listed for consideration. Risk potential activity or facility means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from a special commitment center. The following are risk potential land uses:

- ~~A1.~~ Public libraries;
- ~~B2.~~ Public parks;
- ~~C3.~~ Publicly dedicated trails;
- ~~D4.~~ Sports fields;
- ~~E5.~~ Playgrounds;
- ~~F6.~~ Recreational and community centers;
- ~~G7.~~ Public or private schools;
- ~~H8.~~ School bus stops;
- ~~I9.~~ Licensed day care and licensed preschool facilities;
- ~~J10.~~ Places of worship such as churches, mosques, synagogues and temples; and
- ~~K11.~~ Any other risk potential land use identified in siting criteria by the department of health and social services with respect to siting a SCTF.

"Secure community transition facilities (SCTFs)" mean those residential facilities as defined in RCW § 71.09.020. A SCTF shall be sited, maintained and operated in accordance with local regulations and in accordance with RCW Ch. 71.09.

"Senior independent housing" means any residential housing that is advertised, maintained, designed, or constructed for the express or implied purpose of providing housing for persons 55 years of age or older who are independent and do not require assistance with activities of daily living. Senior independent housing is typically designed to enable seniors to live on their own, but with the security and convenience of community living, that may include recreational, educational, and social activities. Does not include facilities that provide medical care or assistance with activities of daily living, such as assisted living facilities, nursing homes, long-term care facilities, or other similar living arrangements.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Shared parking" means parking spaces where two or more uses on the same or separate sites are able to share the same parking spaces. Parking spaces must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.

"Sight-obscuring fence" means a fence, at least six (6) ft. tall, which provides complete visual separation and is used where complete screening is needed.



Sight-obscuring fence

vs.



Partially sight-obscuring fence

"Sign" means any structure, graphic, symbol, words, letters or object used to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

"Single-family dwelling" means a structure arranged or designed to be occupied by not more than one family. Single-family dwelling does not include tents, trailers, recreational vehicles, campers or other temporary structures.

"Single-family zones" means those zones where single-family detached residences are the predominant land use. (per RCW 36.70A.030).

"Sixplex" means a residential building with six attached dwelling units.

"Sleeping unit" means a single unit within co-living housing that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not

sleeping units (per 2021 International Building Code, Section 202 Definitions). A sleeping unit is a standalone bedroom and does not have the full features of a dwelling unit. Sleeping units are not required to have closets, bathrooms or kitchens; however, private bathrooms and kitchenettes may be provided. There must be at least one shared kitchen facility for sleeping units to be considered co-living housing, per RCW 36.70A.535(11)(a).

"Social service facilities" means an essential public facilities category which includes inpatient substance abuse/mental health facilities, opioid treatment programs, and similar facilities.

"Special or periodic event" means an event which occurs once (special, for example a music performance event) or on a regular schedule (periodic, for example a weekly farmers market) not more frequently than once each week.

"Specified anatomical areas" means and includes any of the following:

- A1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activity" means and includes any of the following:

- A1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- C3. Masturbation, actual or simulated; or
- D4. Excretory function as part of, or in connection with, any of the sexual activities specified in this definition.

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. (per RCW 36.70A.030).

"Stealth facility/concealed antennas" means any communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

"Story" has the meaning as defined in the adopted building code of the city. Refer to zoning for setbacks related to story / height.

"Temporary sign" means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, including real estate signs, special event signs and portable signs.

"Tier 3 city" means a city with a population of less than 25,000, that is within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates (City of Millwood is a Tier 3 city).

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. (per RCW 36.70A.030).

"Trailer park" means any plot of ground where accommodation is provided for two or more families to establish temporary or semipermanent residences in automobile trailers, house cars, recreational vehicles or other portable or temporary habitations, whether the wheels have been removed from such portable habitation or not.

"Transitional Housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (RCW 84.36.043(3)(c)).

"Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider. (per RCW 36.70A.030).

"Trent Frontage" means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel.

"Triplex" means a residential building with three attached dwelling units.

"Two-family dwelling" or "duplex" means a building arranged to be occupied by two families and having separate baths and kitchens.

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size. Also referred to as unit per lot and unit per lot density. (Refer to Millwood Comprehensive Plan Bulk Density Standards).

"Upper-level setback" means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

"Urban governmental services / urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas. (per RCW 36.70A.030).

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (per RCW 36.70A.030).

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110. (per RCW 36.70A.030).

"Usable marijuana" means usable marijuana as defined in RCW § 69.50.101, as may be amended.

"Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. "Vulnerable populations" includes, but is not limited to:

- A. Racial or ethnic minorities;
- B. Low-income populations; and

C. Populations disproportionately impacted by environmental harms. (per RCW 36.70A.030).

"Walking distance" means utilizing a path finding method or walking route from a location (i.e. major transit stop) to a location (such as a residence) based on the local street network and other pedestrian routes such as off-street trails. All lots which touch the path / route are considered walking distance.

"Warehouse" means a structure in which more than fifty percent of the ground floor area is utilized for the storage of products, which is not the office or showroom area of the building.

"Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels. (per RCW 36.70A.030).

"Window sign" means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment. Two types of wireless communication facilities include:

- A. **"Type I facility"** means an attached wireless communication facility which consists of antennas equal to or less than four feet in height and with an area of not more than four hundred eighty square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel) as viewed from any one point. The permitted antenna height includes the wireless communication facility support structure.
- B. **"Type II facility"** means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

"Wireless communication support structure" means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

"Wireless telecommunication tower" means a structure such as a self-supporting tower, a guyed tower, or a monopole, which supports antennas and may include accessory facilities necessary for equipment storage and unmanned operations.

"Yard" means any type of open space on the lot adjacent to a building and does not refer to regulated setbacks that portion of a lot regulated by setbacks and designed as open space as regulated in this title.

(Ord. No. 536, § 1, 1-10-2023)

Chapter 18.08 CRITICAL AREAS

18.08.010 Title, purpose and intent.

- A. Title. This chapter shall be known and may be cited as the "Critical Areas Ordinance (CAO)."
- B. Purpose. The purpose of this chapter is to protect the functions and values of critical areas, which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. This is achieved by implementing the overall critical areas goals, and the specific goals and policies for critical areas using best available science, in accordance with WAC 365-195, Part Nine (Best Available Science). ~~At this time, fish and wildlife habitat, potential slide hazard areas, and critical aquifer recharge areas are the only identified critical areas identified in the Millwood comprehensive plan, Chapter 6 Land Use.~~ The specific goals-priorities for fish and wildlife habitat, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas are listed in this section. Refer to Section 18.14.100 of the Millwood Municipal Code for regulation of frequently flooded areas, wetlands, and upland buffers for critical areas within shoreline jurisdiction. Wetlands in the City of Millwood are generally found only within shoreline jurisdiction; however, if wetlands are found outside of Millwood's shoreline, they would be regulated through the applicable provisions found in Section. MMC 18.14.100. Furthermore, it is expressly the purpose of this chapter to protect the health, safety and welfare of the general public.
1. Fish and Wildlife Habitat Conservation Areas.
 - a. Conserve fish and wildlife habitat areas for the management and maintenance of fish and wildlife resources as the city recognizes the role these areas play in the local ecosystem.
 - b. Conserve fish and wildlife habitat areas for public health, safety and well-being and for the aesthetic value they bring the community.
 - c. It is also important to ensure that priority fish and wildlife species, as identified by the Washington Department of Fish and Wildlife, and species of local importance, do not become increasingly imperiled due to land use changes, habitat alteration, and other human activities, including conservation or protection measures necessary to preserve or enhance anadromous fisheries, if they are restored to the Spokane River within the Millwood area.
 2. Potential Slide Hazard Areas / Geologically Hazardous Areas.
 - a. Development should be restricted or discouraged in potential slide hazard areas (geologically hazardous areas), unless it can be demonstrated through special review that a hazard area can be developed consistent with public health and safety. Development permits may be conditioned to mitigate certain hazards.
 - b. Potential slide hazard areas (geologically hazardous areas) may be used as open space for recreational or wildlife habitat and other uses as appropriate.
 3. Critical Aquifer Recharge Areas.
 - a. Protect the city's drinking water source by protecting groundwater quality from development impacts. Prevent degradation of groundwater quality for Millwood and Spokane County.
 - b. Have an adequate amount of area available on each parcel to allow stormwater to properly filter and drain and require stormwater management on site.

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- c. Strictly regulate uses, and if necessary, restrict the use and storage of fertilizers or chemicals on site.
4. General Purpose of this Chapter. In addition to the purpose as set forth in subsection B of this section, the following are general purposes of this chapter:
- a. To protect the public health, safety and welfare by preserving, protecting, restoring and managing, through the regulation of development and other activities, within fish and wildlife habitat conservation areas, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas;
 - b. To recognize fish and wildlife habitat conservation areas, ~~and~~ potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas as important natural resources which provide significant environmental functions and values including: vital importance to critical fish and wildlife habitat, surface and ground water quality, aquifer recharge, shoreline anchorage and erosion control, scientific research and education, open space, aesthetic values, historic and cultural preservation, passive recreation and contribute to quality of life currently enjoyed by citizens of Millwood;
 - c. To maintain consistency with state and federal protective measures;
 - d. To avoid duplication and over-regulation by limiting regulatory applicability to those developments and activities with significant impacts;
 - e. To minimize impacts of regulation on private property rights;
 - f. To identify and protect fish and wildlife habitat conservation areas, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas without violating any citizen's constitutional rights, and to restore habitats to a highly functioning condition wherever possible;
 - g. To alert appraisers, assessors, owners and potential buyer or lessees of property to the development limitation within fish and wildlife habitat conservation areas and potential slide hazard areas (geologically hazardous areas);
 - h. To prevent degradation of critical aquifer recharge areas.
 - i. To preserve the existing functions and values of critical areas during development and if avoidance is not possible, then compensatory mitigation will be required to achieve a no net loss of the functions and values of the ecosystem that includes the impacted or lost critical areas.
 - j. To utilize the expertise of agencies such as Washington Department of Fish and Wildlife (WDFW) regional habitat biologists; Washington Department of Ecology (Ecology) regional wetlands specialists, flood program managers, and groundwater protection specialists; Washington Department of Natural Resources (WDNR) geology staff and aquatic program regional managers; and Washington Department of Health Office of Drinking Water staff, and other subject matter experts concerning best available science and current management recommendations for priority habitats and species, including conservation or protection measures necessary to preserve or enhance anadromous fisheries.

C. Intent.

1. The intent of these regulations is to avoid, or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting fish and wildlife habitat conservation areas, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas; and to maintain and enhance the biological and physical functions and values of these areas.

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2. It is recognized that land development will not always be compatible with preservation of fish and wildlife and their habitats. Some wildlife will be eliminated as development occurs. It is the intent of these regulations to preserve wildlife when possible through thoughtful planning and consideration of wildlife needs.
 3. It is the intent of these regulations to allow development in potential slide hazard areas (geologically hazardous areas) only when hazards can be mitigated to protect the public health, safety and general welfare.
 4. In addition, the intent of these regulations is to recognize that property rights and public services are an essential component of our legal and economic environment. Where such rights and public services are seriously compromised by the regulations contained in this chapter, impacts may be permitted provided there is appropriate mitigation.

(Ord. 350 (part), 2005)

(Ord. No. 390, § 1, 12-7-2009)

18.08.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Activity or activities" See "regulated activity."

"Agricultural land" is land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. These lands are referred to in this chapter as agricultural resource lands to distinguish between formally designated lands, and other lands used for agricultural purposes. (WAC 365-190-030).

"Anadromous Fish" refers to those fish that migrate from freshwater rivers to the ocean and back to spawn in their natal streams, including the five species of Northwest salmon, steelhead, and certain bull trout. *(Due to construction of dams, the Spokane River lost it's anadromous fish; however salmon restoration efforts have been underway since 2015.)*

"Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed regulated activity would be located, or is the authorized agent of the owner.

"Best Available Science (BAS)" means information produced through a valid scientific process that WDFW or another local, state or federal agency has determined represents the best available science consistent with criteria set out in WAC 365-195-900 through -925. WDFW's PHS information is considered a source of BAS. (WDFW Vol 2)

"Biosolids" means municipal sewage sludge that is a primary organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. Biosolids includes materials derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. For the purpose of this chapter, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

"Buffer area" means a designated area along the perimeter of a fish and wildlife habitat or other critical area which is regulated to minimize impacts of adjacent activities and uses from intruding into the aquatic resource.

"Building envelope" means an area where regulated activities and uses are confined.

"Council" means the Millwood city council.

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

"Critical areas" include the following areas and ecosystems (WAC 365-190-030):

1. Wetlands,
2. Areas with a critical recharging effect on aquifers used for potable water (Critical aquifer recharge areas);
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas (also referred to as Potential Slide Hazard Areas).

Identified critical areas are further defined in the Millwood comprehensive plan.

"Critical material (critical material list)" means a substance present in sufficient quantity that its accidental or intentional release would result in the impairment of one or more of the beneficial uses of aquifer water. Current beneficial uses of aquifer water include, but are not limited to, domestic and industrial water supply, agricultural irrigation, stock watering and fish raising. The critical materials list is set forth in Chapter 3.15, as amended, of the Spokane County Code (adopted by reference). The list includes the names of specific chemicals and classes of chemicals which, based on current criteria and standards, are known to affect the beneficial uses of water.

"Critical materials handbook" means a document prepared specifically to assist in the administration of this chapter, containing examples of best management practices, which may be employed to meet the performance standards of this chapter, as associated with critical materials.

"Critical materials use activity" means an activity or land use which has been determined to use, transport or store a critical material.

"Dedication" means conveyance of land to the city or other not-for-profit entity by deed or other instrument of conveyance.

"Department" means the planning department of the city of Millwood.

"Developable area" means land outside of any restricted area on a particular piece of property.

"Development" means any construction or expansion of a building, structure, or use; any change in use of a building or structure or changes in the use of land that require any development permit from the city of Millwood.

"Director" means the official of the city of Millwood designated to carry out planning functions or his/her authorized designee.

"Documented habitat" means habitat where endangered, threatened, sensitive species or species of local importance have been "documented" or are known to exist as confirmed by state or federal agencies.

"Ecosystem" means a spatially explicit unit of the Earth that includes all of the organisms, along with all components of the abiotic environment. Ecosystems have composition, structure, and functions. (WDFW Vol 1).dynamic and interrelating complex of plant and animal communities and their associated environment.

"Enforcement authority" means the city of Millwood departments as applicable.

"Enhancement" is the manipulation of the physical, chemical, or biological characteristics of habitat to heighten, intensify, or improve a specific ecosystem function(s). Enhancement results in the gain of selected

habitat function(s) but may also lead to a decline in other ecosystem function(s). Enhancement does not result in a gain in habitat area. (WAC 173-700-104).

"Erosion" means the wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil and/or ice.

"Erosion hazard areas" are those areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include coastal erosion-prone areas and channel migration zones. (WAC 365-190-030)

"Exotic" means any species of plants or animals that are foreign to the planning area.

"Extraordinary hardship" means that the strict application of the provisions of this chapter and/or rules adopted to implement this chapter would prevent all reasonable use of the property.

"Fish and wildlife habitat conservation areas" are 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. (WAC 365-190-030). Fish and wildlife habitat conservation areas do 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. defined in WAC 365-190-080 (5) as "fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region."

"Fish and wildlife habitat conservation areas" include:

1. Areas with which primarily endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Waters of the state;
4. Rivers planted with game fish by a governmental or tribal entity;
5. State natural area preserves and natural resources conservation areas;
6. Wildlife corridors and landscape linkages;
7. Candidate and monitored species;
8. Priority habitats and areas in which priority species have a primary association as identified by the department of fish and wildlife (WDFW) in the priority habitat and species lists; priority habitats as identified by WDFW are areas with one or more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife seasonal ranges, wildlife travel corridors, limited availability and/or highly vulnerable habitat. Priority habitats in Millwood include riparian areas and urban natural open space.

"Forest land" is land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. These lands are referred to in this chapter as forest resource lands to distinguish between formally designated lands, and other lands used for forestry purposes. (WAC 365-190-030).

"Frequently flooded areas" are 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). Refer to Section 18.12.200 - Definitions of the City's Shoreline Master Program.

"Geologically hazardous areas" are 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. (RCW 36.70A.030 & WAC 365-190-030).

"Grading" means excavation or fill or any combination thereof, including but not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

"Hearing body" means the individual, committee, or agency designated by the council to conduct public hearings and render decisions on subdivisions, amendments, variance permits, conditional uses, appeals and other matters as set forth in the Millwood ~~zoning code~~ Municipal Code.

"Impervious surface" is a surface that resists or prevents water infiltration, e.g., roofs of houses, roadways. (WDFW Vol 2).

"Landscape linkages" mean a movement corridor in which the complete range of community and ecosystem processes continue to operate through time. Plants and small animals are able to move between larger landscapes over a period of generations.

"Landslide hazard areas" are areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. (WAC 365-190-030).

"Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land. Long-term commercial significance means the land is capable of producing the specified natural resources at commercially sustainable levels for at least the 20-year planning period, if adequately conserved. Designated mineral resource lands of long-term commercial significance may have alternative post-mining land uses, as provided by the Surface Mining Reclamation Act, comprehensive plan and development regulations, or other laws. (WAC 365-190-030).

"Maintenance." See definition of "repair or maintenance."

"Mitigation" means the use of any or all of the following actions listed in descending order of preference (WAC 197-11-768):

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

"Native vegetation" means vegetation on a site or plant species which are indigenous to the area in question; or if the site has been cleared, species of a size and type that were on the site or reasonably could have been expected to have been found on the site at the time it was cleared.

"Natural resource lands" means agricultural, forest and mineral resource lands which have long-term commercial significance. (WAC 365-190-030).

"Nonconforming development" means a use or structure which was lawfully constructed or established prior to the effective date of the ordinance codified in this chapter or amendments thereto, but which does not conform to present regulations or standards contained in this chapter.

"No net loss" means standards that are intended to limit the impacts from new development and other land uses by adopting a mitigation hierarchy to avoid, minimize, remediate, and offset negative impacts on ecosystems. (WDFW 2024).

"Noxious weeds" mean those plants which are nonnative, highly destructive and competitive as defined by RCW 17.10, as now or hereafter amended.

"Ordinary high water mark" means that mark on streams, lakes or water bodies that will be found by examining the bed and banks and ascertaining where the presence and action of waters are common and usual, and long continued in normal years, as to mark on the soil a character distinct from that of the abutting upland in respect to vegetation.

"Ordinary High-Water Mark (OHWM)" means that mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. It also can also be established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. (WAC 173-22-030(11))

"Owner" means any person having title to, a substantial beneficial proprietary interest in, or control of a building or property, including but not limited to a lessee, guardian, receiver or trustee, and the owner's duly authorized agent.

"Person" means a natural person, his/her heirs, executors, administrators or assignees, or a firm, partnership or corporation and its or their successors and assignees, or a governmental entity.

"Person aggrieved" means a corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, not in agreement with a decision made by the department or hearing body.

"Placeholder" means an area designated by the Washington State Department of Health to hold the place of a wellhead protection area for a well until completion of the wellhead protection plan.

"Pollution" means such contamination, or other alteration of the physical, chemical or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation or other aquatic life.

"Potential slide hazard areas" mean 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. see Geologically hazardous areas.

"Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and have less impacts to wetlands. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

"Primary drainage basin" means the basin of the stream or tributary within which a project is proposed, not including basins of major tributaries.

"Priority habitats and species" mean a fish or wildlife habitat or species that has been identified by the Washington State Department of Fish and Wildlife in the priority habitat and species program or by the city of Millwood as a species of local importance.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (WAC 365-190-030).

"Publicly owned treatment works (POTW)" means a treatment works treating domestic sewage that is owned by a municipality, a county, the state of Washington, or the federal government.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (WAC 365-190-030).

"Qualified biologist" means the holder of a four-year degree in biology with an emphasis in fish and wildlife biology from an accredited university and at least two years field experience evaluating land use impacts on fish and wildlife species and their habitats.

"Qualified erosion or landslide specialist" means an individual or team that has both the academic qualifications and field experience to implement the provisions of this chapter and that are a qualified geologist as defined herein.

"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.

"Qualified wetlands specialist" means the holder of SWS (Society of Wetland Scientists) certification or has the equivalent in academic qualifications and field experience for making competent wetlands delineations and reports and recommendations necessary to implement the provisions of this chapter.

"Repair or maintenance repair" means to restore a development to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the resource or environment; maintenance means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

"Residential development" means only single-family, two-family, multifamily, manufactured and mobile home, community residential facility, and community treatment facility as defined in the Millwood zoning code, or as amended.

"Riparian" means the area adjacent to a water body (i.e., stream, river, lake, pond, bay, sea, ocean). Riparian areas are sometimes referred to by different names: riparian ecosystems, riparian habitats, riparian corridors, or riparian zones (WDFW Vol 1).

"Riparian buffer" refers to its purpose, which is to reduce or prevent adverse impacts to water quality, fisheries, and aquatic biodiversity from human activities occurring upslope of the buffer. Riparian buffers may also be called a riparian management zone (WDFW Vol 1).

"Riparian ecosystem" means transitional areas between terrestrial and aquatic ecosystems distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. (WDFW Vol 1)

"Riparian management zone (RMZ)" means the area that has the potential to provide full riparian functions. In many forested regions of the state, this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a CMZ is present, this occurs within one site potential tree height measured from the edges of the CMZ. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet (WDFW Vol 2).

"Riparian wetlands" mean the transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

"Serviceable" means presently usable.

"Site" means any lot or parcel of land or contiguous combination thereof, where activities are proposed, performed or permitted.

"Site-potential tree height (SPTH)" is the average maximum height of the tallest dominant trees for a given age and site class. Full riparian function occurs when trees reach their SPTH at age 200 (SPTH200; WDFW Vol 1).

"Species of local importance" are those species that are of local concern due to their population status or their sensitivity to habitat alteration or that are game species. (WAC 365-190-030).

"Subject property" means the site where an activity requiring a permit or approval under this ordinance will occur.

"Urban impact area" means that existing area which is affected by urban-type growth.

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. Urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (WAC 365-190-030).

"Utilities" mean enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

"Watercourse," "river" or "stream" means any portion of a stream or river channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state. Watercourse also means areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks that influence the quality of habitat downstream. Watercourse also means waters that flow intermittently or that fluctuate in level during the year, and the term applies to the entire bed of such waters whether or not the water is at peak level. A watercourse includes all surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans. (WAC 220-660-030).

"Water dependent" means a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations; such as, but not limited to bridges, marinas, dams for domestic/industrial water supply, flood control, and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices.

"Wellhead protection area (WHPA)" means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state department of health. (WAC 365-190-030).

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (RCW 36.70A.030 & WAC 365-190-030). Refer to Section 18.12.200 - Definitions of the City's Shoreline Master Program and regulations in Section 18.14.100.

"Wildlife corridor" means a landscape feature that facilitates the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic, including frequent foraging movements, seasonal migrations, or the once in a lifetime dispersion of juvenile animals. These are transitional habitats and need not contain all of habitat elements required for the long-term survival or reproduction of its migrants.

(Ord. 350 (part), 2005)

(Ord. No. 390, § 2, 12-7-2009)

18.08.030 General provisions.

- A. Applicability. This chapter shall apply to all incorporated areas of the city of Millwood. No action shall be undertaken by any person that impacts critical aquifer recharge areas or results in any alteration of a fish and wildlife habitat or potential slide hazard area (geologically hazardous areas) as defined in this chapter, except in conformance with this chapter. Uses and activities listed in Table 18.08.030A of this section are allowed in fish and wildlife habitat areas, potential slide hazard areas (geologically hazardous areas) and their buffer areas only if: (1) the use or activity is in compliance with the requirements of this chapter and (2) the use or activity is in compliance with all other applicable provisions of the Millwood Municipal Code. Uses and activities listed in Table 18.08.075B of this chapter shall conform to requirements in this chapter for protecting critical aquifer recharge areas. Critical areas within the shoreline management area shall also comply with MMC 18.14.100, and other applicable portions of MMC Chapter 18.12, 18.14, and 18.16, including no net loss and compensatory mitigation requirements.

Table 18.08.030A

Uses and Activities Permitted Without Millwood Review	Habitats	Potential Slide Hazard Areas (<u>Geologically Hazardous Areas</u>)
<u>Aquatic vegetation management</u>	<u>P</u>	<u>NA</u>
Passive recreation, scientific research	P	P
Conservation activities	P	P
Harvesting of wild crops	P	P
Noxious weed control	P	P
Open space, natural area	P	P

Road repair and maintenance	P	P
Signs (interpretive markers)	P	P
Utilities repair maintenance	P	P
Diseased vegetation removal	P	P
Water well pump house, wildlife blind, nesting structure	P	P
Single-family residence and accessory structures and decks	L	L
Single-family private access road/driveway	L	L
Building construction, public, commercial, industrial, recreational	L	L
Excavation, filling, grading <30 C cubic yards	L	P
Excavation, filling, grading >30 cubic yards	L	L
Dredging	L	NA
Road, expansion of existing corridor road or bridge	L	L
Road, new public, serving more than 1 residence	L	L
Pedestrian Equestrian/pedestrian/bike trail	L	P
Aquatic vegetation management	P	NA
Stormwater detention/ disposal facility	L	L
Utility facility	L	L
Lines utility transmission	L	L
Radio/TV towers	L	L
Parks, camps	L	L
Golf course	L	L

P = Permitted without Millwood [CAO](#) review under this chapter.

L = Limited Uses. These uses are allowed provided they comply with the standards of this chapter.

NA = Not applicable.

Note: Other uses and activities not listed may be allowed by the director subject to the purpose and intent of this chapter.

B. Coordination with Other Permit Processes.

1. This chapter does not require any permit in addition to those otherwise required by Millwood ordinances.
2. The performance standards and other requirements of this chapter shall be applied to uses and activities shown in Table 18.08.030A or Table 18.08.075B through any permit or approval process otherwise required by Millwood ordinances.

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3. Uses and activities in a critical area or buffer for which no permit or approval is required by any other Millwood ordinance remain subject to the performance standards and other requirements of this chapter. However, this chapter does not require any review or approval process for such uses and activities.
 4. Millwood may approve, with conditions or deny any permit application for a use or activity listed in Table 18.08.030A or Table 18.08.075B in order to comply with the requirements of this chapter.
 5. Where the critical area regulations conflict each other, or with other laws, ordinances or programs, the most restrictive provisions shall apply.
 6. Conditions and mitigation requirements may include but are not limited to temporary or permanent fencing and/or signage, recording to title that there are known critical areas on the property and identifying the type of critical areas, provisions for bonding or other monetary means of ensuring compliance with mitigation requirements, etc.
- C. Process for Regulation of Fish and Wildlife Habitats, Potential Slide Hazard Areas (Geologically Hazardous Areas) and Critical Aquifer Recharge Areas.
1. The applicant shall make application to the city of Millwood for a development or land use permit.
 2. If the application involves a regulated use or activity, and it is in a critical area, then the applicant shall cause a field investigation and evaluation to be conducted. The purpose of the field investigation and evaluation is to determine whether the conditions listed in this ordinance ~~with~~will afford sufficient protection and to determine the need for further information.
 - a. If it is found the ordinance affords sufficient protection the application will be conditioned.
 - b. If it is found additional information is needed, the applicant shall cause a potential slide hazard area (geologically hazardous area) mitigation plan or a fish and wildlife management plan to be prepared, as applicable, ~~and such~~Such plan will list protection measures required or recommended and the permit shall be conditioned as necessary.
 3. ~~The appeal process follows the route of the associated permit. Appeals of administrative decisions regarding provisions of this chapter use the administrative appeal process contained within the Millwood zoning code.~~
- D. Fish and Wildlife Habitats, Potential Slide Hazard (Geologically Hazardous Areas), and Critical Aquifer Recharge Areas.
1. The Millwood planning department maintains maps of fish and wildlife habitats, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas to provide information to the public and to aid in the administration of this chapter. The maps are not regulatory in nature.
 2. The maps will be used to identify the possible existence of fish and wildlife habitats, potential slide hazard areas (geologically hazardous 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 fish and wildlife management plans, geotechnical studies and hydrogeologic reports. In the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail.
 3. Additions, corrections and periodic updates to the maps shall be made when new or additional information is available. Omission of a site from the map will not exempt the site from complying with the provisions of this chapter. When an interpretation is needed as to the existence of a fish and wildlife habitat, geohazard area and critical aquifer recharge areas, the director shall make such determination according to the criteria and characteristics contained in this chapter and consultation with an agency or agencies of expertise as deemed appropriate by the director.

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- E. Compliance by Owners.
1. The obligation to comply with any requirements within the scope and provisions of this chapter is with the owner of the property or land.
- F. Appeals.
1. Appeal of an Administrative Decision. The provisions of this section shall apply to any appeal involving an administrative decision on the requirements of this chapter. Any person aggrieved by an administrative decision of this chapter may file an appeal by:
 - a. Following the appeal procedures of the associated application;
 - b. Appeal procedures for critical areas within shoreline management areas shall follow Chapter 18.12 of the Millwood Municipal Code;
 - ~~b.c.~~ If there is no associated application or appeal process, appealing to the Millwood hearing examiner using the following procedures:
 - i. A written notice of appeal shall be filed with the city of Millwood ~~rendering the decision~~ within fourteen (14) calendar days of the written decision.
 - ii. A fee shall accompany the notice of appeal equal to the fee charged for appeals of other administrative decisions by the city of Millwood.
 - iii. Upon receipt of the notice of appeal and the fee, an open record hearing date shall be determined. Notice for the hearing shall be given pursuant to the notice of hearing requirements for appeals of administrative decisions contained in ~~Chapter Title 17-14~~ of the Millwood Municipal Code.
 - iv. Notice of the hearing examiner's decision on the appeal or regarding any request for reconsideration, shall be provided by certified mail to the appellant, and by first class mail to parties of record, and to the department whose administrative decision was appealed.
 - v. The hearing examiner decision on any appeal shall be final and conclusive, and given the effect of a final decision by the council.
 - vi. A party with standing may appeal the hearing examiner's decision pursuant to subsection (F)(2) of this section.
 2. Appeal of a Decision by the hearing examiner.
 - a. Appeals of a hearing examiner decision shall be provided for by appeal to the Spokane County superior court.
 - b. 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.
- G. Nonconforming Provisions. The provisions of ~~chapter 17.28 of the city zoning code~~Chapter 17.38 of the Millwood Municipal Code, as amended, shall apply in determining the nonconforming status of a lot, use, building or structure under the provisions of this chapter.
- H. Amendments. The council, the planning commission, a municipal department or an interested person, may initiate an amendment to this chapter. Amendments to this chapter shall be consistent with the Millwood comprehensive plan. In the case of an amendment initiated by an interested person, the department shall collect a fee to cover normal processing and the cost of legal notices as identified in the department fee schedule for ~~a "comprehensive plan~~ amendments. Such an amendment may be adopted, modified or

denied by the ~~council~~council following the procedures for amendments to development regulations in Title 14 of the Millwood Municipal Code.

I. Enforcement/Violation/Penalty.

1. Intent. It is the intent of this section to provide authority for, and the procedures to be used in, enforcing the provisions of this chapter to the end of furthering the purposes and objectives thereof.

2. Enforcement.

a. It shall be the duty of the planning director, except as otherwise provided in this section, to interpret and enforce the provisions of this chapter and conditions of approval imposed by actions of the council, planning commission, hearing examiner, and/or planning department.

b. The procedures set forth in this section are not exclusive. These procedures shall not in any manner limit or restrict the city of Millwood from remedying violations or abating violations in any manner authorized by law.

3. Violation—A Misdemeanor/Civil Violation.

a. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this chapter or conditions of approval imposed by actions of the council, planning commission, hearing examiner, or the enforcement authority ~~shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00), or by both such imprisonment and fine. Each day that a violation is permitted to exist shall constitute a separate offense.~~

~~b. —As an alternative to the above, as determined by the enforcement authority, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this chapter or conditions of approval imposed by actions of the council, planning commission or the enforcement authority shall be deemed to have committed a civil violation subject to the monetary penalties as set forth in Chapter 17.36 of the Millwood zoning code enforcement and penalty provisions of Section 17.44.160 of the Millwood Municipal Code, or as amended. Each day that a violation is permitted to exist shall constitute a separate civil violation.~~

~~eb.~~ Civil Investigation Procedures. The enforcement authority may initiate an investigation of a violation of this chapter in response to a signed written complaint, field observations by a public agency employee in the course of his/her official duties, or other reliable information. Written complaints may be subject to disclosure pursuant to the State Public Disclosure Law.

The following procedures shall apply to an investigation of a violation of this chapter.

i. A physical inspection of the property and/or circumstances identified in the complaint or referral shall be conducted. The physical inspection must comply with legal right of entry requirements, as established by state and constitutional law;

ii. The enforcement authority shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and applicable Millwood codes, whether a violation has occurred; and

iii. When a violation has been confirmed, a notice of investigation shall be mailed-issued to the property owner of record and/or those person(s) who are creating or contributing to the violation. The notice shall contain those items and follow the process specified in Section 17.44.160 of the Millwood Municipal Code.~~subsection (1)(3)(d) of this section.~~

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- d. ~~Notice of Investigation—Determination of a Civil Violation.~~ A notice of investigation represents a determination by the enforcement authority that a civil violation has been committed. The notice of investigation shall include the following:
- i. ~~A statement that the notice of investigation represents a determination by the enforcement authority that the person named in the notice has committed a civil violation.~~
 - ii. ~~A statement of the options provided in this chapter for responding to the notice of investigation and the procedures necessary to exercise these options.~~
 - iii. ~~A statement that the person must respond to the notice of investigation and show proof of compliance as provided for in this section within fourteen (14) days.~~
 - iv. ~~A statement that failure to respond to a notice of investigation and show proof of compliance may result in a civil violation.~~
 - v. ~~A statement that a civil violation is a noncriminal offense and a violation thereof is not subject to imprisonment.~~
 - vi. ~~A statement of the specific civil violation for which the notice of investigation is being issued.~~
 - vii. ~~A statement of the monetary penalty established for the civil violation.~~
- e. ~~Civil Notice of Violation Procedures.~~
- i. ~~The person(s) to whom a notice of investigation is sent, as set forth in subsection (1)(3) of this section shall have fourteen (14) days to respond or show proof of compliance. Proof of compliance includes, but is not limited to, entry into a voluntary compliance agreement.~~
 - ii. ~~If proof of compliance is not received within the fourteen (14)-day period, the enforcement authority may issue a notice of violation and assess monetary penalties pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - iii. ~~The enforcement authority may issue a notice of violation and assess monetary penalties pursuant to Chapter 17.36 of the Millwood zoning code, as amended if:~~
 - (A) ~~Neither a response nor proof of compliance was received within the fourteen (14)-day period from the date of service of a notice of violation;~~
 - (B) ~~The terms of a voluntary compliance agreement have been violated or have not been met;~~
 - (C) ~~Repeat violations have occurred on the same property within an eighteen (18)-month period of time;~~
 - (D) ~~For each day the violation continues to exist, after the date of service of a notice of violation, cumulative civil penalties may be assessed pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - iv. ~~The civil notice of violation shall contain the required information for a notice of violation pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - v. ~~A copy of the civil notice of violation shall be served upon the person(s) to whom it is directed either personally, or in the manner provided for personal service of notices or complaints in district court, or by mailing a copy of the civil notice of violation by certified mail, postage prepaid, return receipt requested, to such person at the person's last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and manner by which service was made.~~

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- vi. ~~The enforcement authority for good cause shown may extend the date for correction in the civil notice of violation, provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.~~
 - vii. ~~A copy of all civil notices of violations may be sent to other agencies if the violation may also be a violation of other agencies' regulations.~~
 - viii. ~~The enforcement authority may withdraw or modify a civil notice of violation issued under this section if the original civil notice of violation was issued in error. Such withdrawal or modification shall identify the reasons and underlying facts.~~
 - ix. ~~A civil notice of violation shall carry a monetary penalty pursuant to Chapter 17.36 of the Millwood zoning code, as amended. The payment of monetary penalty does not relieve a person(s) responsibility for correcting a violation.~~
 - x. ~~The enforcement authority may dispense with some or all of the civil investigative procedures and notice of investigation procedures and immediately issue a notice of violation as set forth in subsection (1)(3)(c) of this section for those violations determined to be immediately hazardous to the general public health or safety.~~
 - xi. ~~The procedures set forth in this section are not jurisdictional and failure to meet them in any particular case shall not affect the city's enforcement authority.~~
 - xii. ~~Complainants who provide a mailing address may request information regarding enforcement of a civil violation. The enforcement authority shall mail copies of all public records pertaining to the enforcement effort to the complainants that are subject to disclosure under the State Public Disclosure Law.~~
 - f. ~~Voluntary Compliance Agreement. Whenever the enforcement authority determines that a code violation has occurred or is occurring, the enforcement authority shall make reasonable efforts to secure voluntary compliance from the person responsible for the violation. A voluntary compliance agreement may be entered into any time after a notice of investigation has been sent to the violator.~~
 - 4. ~~Collection of Civil Violation Monetary Penalty.~~
 - a. ~~The enforcement authority, on behalf of Millwood, and/or the prosecuting attorney is authorized to collect the monetary penalties by any and all appropriate legal means including, but not limited to, commencing appropriate legal proceedings in the Spokane County district court small claims department. No further action in an open meeting by the council is necessary to authorize initiation of any legal action.~~
 - b. ~~The monetary penalty is due and payable on the later of:~~
 - i. ~~Fourteen (14) days after the service of the notice of violation;~~
 - ii. ~~Fourteen (14) days after the service of the notice of decision on any appeals;~~
 - iii. ~~The assessment or payment of monetary penalties does not relieve a person(s) responsible for code compliance of his or her duty to correct the violation, nor does it prevent the assessment of additional monetary penalties as long as the violation continues to exist.~~
 - 5. ~~Appeals. Appeal of a civil notice of violation issued under this section shall be to the Millwood planning commission according to the procedures set forth in Chapter 17.36 of the Millwood zoning code, as amended. Decisions made under this section are not subject to the provisions of subsection (F)(1), Appeal of an Administrative Decision, of this section.~~

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64. Judicial Enforcement. In addition to any other remedy provided for in this section, the prosecuting attorney, on behalf of the city of Millwood, may seek enforcement of any provisions of this code by filing an appropriate legal action.

(Ord. 350 (part), 2005)

(Ord. No. 473, § 3, 4-14-2015)

18.08.040 Emergency permits, reasonable use exception.

A. Emergency Activities—Temporary Emergency Permit.

1. Criteria for Granting a Temporary Emergency Permit. Notwithstanding the provisions of this chapter or any other laws to the contrary, the director may issue a temporary emergency permit to allow regulated uses or activities in a fish and wildlife habitat conservation area or potential slide hazard area (geologically hazardous area), if:
 - a. The director determines that an imminent threat to public health, safety or the environment will occur if an emergency permit is not granted; and
 - b. The threat or loss may occur before a fish and wildlife habitat conservation area review can be issued or conditioned under the procedures otherwise required by this chapter.
2. Conditions of Emergency Permit. Any emergency permit granted shall:
 - a. Incorporate to the greatest extent practicable the standards and criteria required for nonemergency activities;
 - b. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety (90) days without reapplication; and
 - c. Require the restoration of any fish and wildlife habitat conservation area or potential slide hazard area (geologically hazardous area) altered as a result of the emergency activity within ninety (90) days following the emergency repair, or during the growing season after the emergency repair.

B. Reasonable Use Exception.

1. Requirements. If an applicant for a development proposal demonstrates to the satisfaction of the director that application of the standards of this chapter would deny all reasonable use of the property, development as conditioned shall be allowed. The applicant shall pay a fee as determined by the council, which may cover mailing and processing and submit documentation on forms provided by the department demonstrating all of the following to the satisfaction of the director:
 - a. Applications of this chapter would deny all reasonable use of the property;
 - b. There is no reasonable use with less impact on the fish and wildlife habitat or potential slide hazard area (geologically hazardous area);
 - c. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the property;
 - d. Any alteration to the fish and wildlife habitat or potential slide hazard area (geologically hazardous area) is the minimum necessary to allow for reasonable use of the property;
 - e. The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the nondevelopable condition after the effective date of the ordinance codified in this chapter.

2. Decision. The director shall include findings on each of the evaluation criteria listed in this section in a written decision. The written decision shall be mailed to the applicant and adjacent property owners, including property owners across public rights-of-way or private easements. The written decision shall include conditions necessary to serve the purposes of the ordinance and shall provide an appeal procedure as contained in Section 18.08.030 of this chapter.

(Ord. 350 (part), 2005)

18.08.050 Fish and wildlife habitat conservation areas.

A. Priority Habitats and Species Designation.

1. Washington State Priority Habitat and Species Program. The priority habitats and species of Millwood and Spokane County are identified in Table 18.08.050A of this section and are adopted from the Washington State [Dept of Fish & Wildlife \(WDFW\)](#) Priority Habitats and Species Program, as now or hereafter amended, [including the current Threatened and Endangered Species list, the Priority Habitats and Species Maps \(PHS on the Web\), and the Riparian Ecosystems online 200 year site-potential tree height \(SPTH\) Map Tool](#). Due to the dynamic nature of fish and wildlife populations and their habitats, the priority habitats and species program will be revised periodically as species and habitats are added, deleted or redefined. The location of priority habitats and known point locations such as den or nest site of priority species will be depicted on the Millwood critical areas map which is available at the city of Millwood. [Early project consultation with WDFW on possible habitat impacting projects and use of WDFW priority habitat and species mapping systems can ensure that development is sited and designed in a manner that avoids habitat fragmentation and maintains ecological integrity.](#)

Table 18.08.050A

PRIORITY HABITATS AND SPECIES OF MILLWOOD AND SPOKANE COUNTY

Per the PHS on the Web, there are two biodiversity areas and corridors priority habitats that occur within Millwood (Freshwater Forested/Shrub Wetland and Shrubsteppe).	
PRIORITY HABITATS	CRITERIA
Wetlands and deepwater	Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following characteristics: (1) the land supports predominantly hydrophytic plants, (2) soil are hydric and (3) soils are saturated with water or covered by the shallow water at some time during the growing season of each year. Deep water habitats are permanently flooded lands lying below the deep water boundary of wetlands. Deep water habitats include environments where surface water is permanent and often deep, so that water, rather than air is the principal medium within which the dominant organisms live. Wetlands and deep water habitats support comparatively high wildlife density and diversity, provide breeding habitat and seasonal ranges, have limited availability and high vulnerability to habitat alteration.
Riparian	"Riparian habitat" is defined as the area adjacent to aquatic systems that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or

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(Supp. No. 21, Update 2)

	intermittent water. Simultaneously, the biological and physical properties of the aquatic ecosystems are influenced by adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. Riparian habitat includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to stream courses or lakes. Riparian areas have high fish and wildlife density and high fish and wildlife species diversity, important fish and wildlife breeding habitat, important wildlife seasonal ranges important fish and wildlife movement corridors and high vulnerability to habitat alteration, unique or dependent species. <u>Per the SPTH Map Tool (October 2025), Millwood has six (6) trees included in the riparian ecosystem:</u> • <u>Lodgepole Pine with an imputed 200 year SPTH value of 103 feet</u> • <u>Ponderosa Pine with an imputed 200 year SPTH value of 121 feet + a SPTH value of 137 feet in the eastern portion of Millwood, referenced by Meyer 1961, where additional considerations for terrestrial wildlife are encouraged</u> • <u>Rocky Mountain Douglas Fir with an imputed 200 year SPTH value of 130 feet</u> • <u>Western Hemlock with an imputed 200 year SPTH value of 120 feet</u> • <u>Western Larch with an imputed 200 year SPTH value of 151 feet</u> • <u>Grand Fir with an imputed 200 year SPTH value of 139 feet</u>
Urban natural open space	A priority species resides within or is adjacent to the open space, and uses it for breeding and/or regular feeding. This habitat may also function as a corridor connecting other priority habitat areas, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 10 acres and is surrounded by urban development. Local consideration may be given to open space areas smaller than 10 acres. Urban natural open space has comparatively high wildlife density and diversity, is important as a breeding habitat and is important as a movement corridor. These areas have limited availability and have a high vulnerability to habitat alteration.
Wildlife corridors	Wildlife corridors are landscape feature that facilitate the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic, including frequent foraging movements, seasonal migrations or the once in a lifetime dispersal of juvenile animals. These are transitional habitats and need not contain all the habitat elements required for the long term survival or reproduction of its migrants.
Landscape linkages	Landscape linkages differ from a movement corridor in that the complete range of community and ecosystem processes continue to operate within it through time. Plants and smaller animals are able to move between larger landscapes over a period of generations.
SPOKANE COUNTY PRIORITY SPECIES (JUNE 2023)	STATUS (JUNE 2023)
Amphibians	
<u>Columbia</u> Spotted frog	State and federal candidate <u>Candidate</u>

<u>Western Toad</u>	<u>State Candidate</u>
Birds	
American White Pelican	State endangered <u>Sensitive</u>
Ash-throated Flycatcher	State monitor
Bald eagle	State and federal threatened
Black-backed Woodpecker	State monitor <u>Candidate</u>
Blue Grouse	Game
Burrowing owl <u>Owl</u>	State <u>C</u> andidate
Cavity-nesting ducks (includes Barrow's Goldeneye, Bufflehead, Common Goldeneye, Hooded Merganser and Wood duck <u>Duck</u>)	Game
Common Loon	State candidate
<u>Dusky Grouse</u>	
<u>E WA breeding concentrations of: Grebes, Cormorants</u>	
<u>E WA breeding occurrences of: Phalaropes, Stilts, and Avocets</u>	
<u>E WA breeding Terns</u>	
<u>Ferruginous Hawk</u>	<u>State Endangered</u>
Flammulated owl <u>Owl</u>	State candidate <u>Candidate</u>
Golden eagle <u>Eagle</u>	State candidate <u>Candidate</u>
Grasshopper Sparrow	State monitor
Great Blue Heron	State monitor
Horned Grebe	State monitor
Lewis Woodpecker	State candidate
Long Billed Curlew	State monitor
Merlin	State monitor
Northern Goshawk	State candidate <u>Candidate</u>
Osprey	State monitor
Peregrine Falcon	State endangered
<u>Prairie Falcon</u>	
Pileated Woodpecker	State candidate
Red-necked Grebe	State monitor
<u>Sage Thrasher</u>	<u>State Candidate</u>

Sandhill Crane	State endangered <u>Endangered</u>
Snowy owl	State monitor
Trumpeter Swan	Game
<u>Tundra Swan</u>	
Upland Sandpiper	State endangered <u>Endangered</u>
Vaux's Swift	State candidate
<u>Waterfowl Concentrations</u>	
Western Bluebird	State candidate
Western Grebe	State monitor <u>Candidate</u>
White-headed Woodpecker	State candidate <u>Candidate</u>
Fishes	
<u>Kokanee</u>	
Rainbow trout / <u>Steelhead*</u> / <u>Inland Redband Trout</u>	Game <u>State Candidate*</u> and <u>Federal Threatened*</u>
<u>Westslope Cutthroat Trout</u>	
Invertebrates	
<u>Shortface Lanx (formerly Giant Columbia River Limpet)</u>	<u>State Candidate</u>
<u>Ashy Pebblesnail (formerly Columbia Pebblesnail)</u>	<u>State Candidate</u>
<u>California Floater</u>	<u>State Candidate</u>
<u>Western Bumble Bee</u>	<u>State and Federal Candidate</u>
<u>Monarch</u>	<u>State and Federal Candidate</u>
<u>Silver-bordered Fritillary</u>	<u>State Candidate</u>
Mammals	
<u>Roosting Concentrations of: Big-brown Bat, Myotis Bats, Pallid Bat</u>	
<u>Townsend's Big-eared Bat</u>	<u>State Candidate</u>
<u>White-tailed Jackrabbit</u>	<u>State Candidate</u>
Marten	Game
<u>Lynx</u>	<u>State and Federal Threatened</u>
<u>Wolverine</u>	<u>State Candidate and Federal Threatened</u>
<u>Moose</u>	
Pigmy Shrew	State candidate
<u>Northwest</u> White-tailed deer <u>Deer</u>	Game

Elk	
Mule Deer (formerly called Rocky Mountain Mule Deer)	
Beaver	
Mink	
River Otter	
* Steelhead only	

Note(s)—Definitions for species status are contained in the Washington Department of Fish and Wildlife Management Recommendations for Priority Species and in WAC 232.12.

B. Regulated Uses and Activities in Priority Habitats.

1. For the purposes of this chapter, Millwood may restrict the regulated uses and activities shown in Table 18.08.030A which lie within a priority habitat by definition or within one-quarter mile of a point location (den or nest site) of a nongame priority species through the application of the performance standards contained in subsection C of this section.
2. In cases where differences in regulations occur because of overlapping priority habitats or buffer areas, the regulation which provides the greatest degree of protection shall apply.

C. Performance Standards for Regulated Uses and Activities.

1. A management plan, if required, will be used by the city of Millwood 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 the Spokane River, 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 (25) 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 [with wildlife friendly fencing](#); 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 [\(construction projects in State waters\)](#).
 - c. Equestrian [and](#) pedestrian/bike trails are permitted in riparian buffer areas but should be setback fifty (50) feet from the ordinary high water mark, if possible and shall be a maximum of fourteen (14) feet in width.
 - d. Off-road motorized vehicle use in riparian buffers areas is prohibited.

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- e. Ensure that transportation, utility, and infrastructure planning considers wildlife corridors by designing roads and utilities to avoid fragmentation of habitats, incorporating wildlife crossings and culvert upgrades into project designs.
 - f. Riparian buffer areas shall be established from the ordinary high water mark. The Spokane River shall have the buffer area requirement of fifty (50) feet or based on the current best available science such as the SPTH, when possible, or if required by a Habitat Management Plan.
 - gf. The director has the authority to increase the buffer widths shown above by up to twenty-five (25) percent on a case by case basis when a larger buffer is necessary to protect the fish and wildlife using the stream and riparian area. This determination shall be supported by appropriate documentation showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the stream and riparian area as indicated by meeting one or both of the following criteria:
 - i. The land adjacent to the water is susceptible to severe erosion and other erosion control measures will not prevent adverse impacts;
 - ii. The land adjacent to the water has minimal vegetative cover or slopes greater than thirty (30) percent.
 - hg. The director has the authority to modify the standard buffer widths by averaging buffer widths. Averaging of buffer widths shall be allowed only when all of the following are demonstrated:
 - i. Averaging will provide the necessary biological, chemical and physical support necessary to protect the fish and wildlife using the riparian area in question, taking into account the type, intensity, scale and location of the proposed use or activity;
 - ii. The riparian area contains variations in sensitivity due to existing physical characteristics which justify the averaging;
 - iii. The land uses causing the least disturbance would be located adjacent to areas where the buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement or other legally binding mechanism;
 - iv. The total area contained within the buffer after averaging is not less than that contained within the standard buffer prior to averaging.
 - ih. All development proposals shall follow the bald eagle protection rules (RCW 77.12.655 and WAC 232.12.292), as now or hereafter amended, when the proposal is likely to have a direct impact on the habitat of the bald eagle.

3. Habitat Management Plans.

- a. A habitat management plan shall be prepared for regulated uses or activities (refer to Table 18.08.030A of this section which are located in a priority habitat or within one-quarter mile of a nongame priority species point location (den or nest site) if it is determined by the director that the proposal is likely to have a significant adverse impact on the priority habitat or species. The determination of a need for additional information (habitat management plan) shall be made by the director in consultation with the Washington State Department of Fish and Wildlife or other authority as determined by the director.
- b. This report shall identify how the impacts from the proposed use or activity will be avoided or mitigated through habitat mitigation which meets the purposes of this chapter. The Management Recommendations for Washington's Priority Species (1991), as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and Wildlife shall be the basis for the report.

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- c. The habitat management plan shall be prepared by a qualified biologist shall be approved in writing by the director and shall contain but not be limited to the following information:
- i. A map(s) prepared at an easily readable scale [in a pdf format, preferably utilizing Google Earth or a GIS software](#), showing:
- (A) The location of the proposed site;
 - (B) The relationship of the site to surrounding topographic and built features;
 - (C) The nature and density of the proposed use or activity;
 - (D) Proposed building locations and arrangements;
 - (E) A complete and accurate legal description. The description shall include the total acreage of the parcel;
 - (F) Title scale and north arrow;
 - (G) Date;
 - (H) Certification by a qualified biologist;
 - (I) Existing structures and landscape features, including the name and location of all water bodies;
 - (J) Location of priority habitat types or priority species point locations.
- ii. A report which contains:
- (A) A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat.
 - (B) An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats, identified within the priority habitat and species program as defined in this chapter.
 - (C) A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:
 - (1) Establishment of buffer areas;
 - (2) Preservation of critically important plants and trees;
 - (3) Limitation of access to habitat area;
 - (4) Seasonal restriction of construction activities;
 - (5) Clustering of development and preservation of open space;
 - (6) Signs marking habitats or habitat buffer areas;
 - (7) Title notice or plat dedication warning statements;
 - (8) Conservation easements.
- iii. Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW). If the habitat management plan recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft habitat management plan and

their review comments shall be included in the final report. The Washington State Department of Fish and Wildlife and, if required, the U.S. Fish and Wildlife service shall respond in writing to the director with review comments or a request for additional information within fifteen (15) days from the date of issuance of a draft habitat management plan. If review comments or a request for additional information is not received in the prescribed time frame, the state and/or federal review comments on the habitat management plan shall not be required. The director shall have the authority to approve habitat management plans or require additional information.

4. Financial Guarantees. The director may require the applicant to post a performance bond or other security to ensure implementation of the requirements of any mitigation plan approved pursuant to this section.
5. Habitats and Species of Local Importance. In addition to the priority habitats and species recognized by WDFW, a process is provided for listing or delisting other habitats and species that are important locally to the people of Spokane County. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, Millwood staff, nonprofit organization or interested citizen.

Any such request shall be in writing and shall include:

- a. The common and scientific name for a species under consideration;
- b. Habitat location on a map (scale 1:24,000);
- c. Demonstrate a need for special consideration based on:
 - i. Declining or increasing population,
 - ii. Sensitivity to habitat manipulation, or
 - iii. Commercial or game value or other special value, such as public appeal;
- d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
- e. Reasons for the species/habitat to be designated or deleted from designation as a priority habitat or species;
- f. Name and address of the nominator, along with a statement of support for the nomination signed by the owner of the property on which the habitat is located;
- g. Other Supporting Documentation. Submitted proposals will be reviewed by Millwood staff, WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies.

A public hearing shall be held for proposals found to be completed pursuant to the process contained in ~~Title 14 of the Millwood Municipal Code for amendments to development regulations. Chapter 17.28 of the Millwood zoning code.~~ Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this ordinance afforded other priority habitats and species.

(Ord. 350 (part), 2005

(Ord. No. 390, § 3, 12-7-2009)

18.08.060 Potential slide hazard areas (geologically hazardous areas).

- A. Classification Characteristics. Potential slide hazard areas (geologically hazardous areas) can include both erosion and landslide hazard areas. Erosion and/or landslide hazard areas in Millwood shall contain at least one of the following characteristics:
1. A slope of thirty (30) percent or greater;
 2. Soils identified by Natural Resource Conservation Service as having a severe potential for erosion (see Section 18.08.090, Appendix A of this chapter);
 3. Hydraulic factors, such as existing on-site surface and groundwater or changes in hydraulic factors, caused by proposals that create a severe potential for erosion or landslide hazard;
 4. Areas that historically have been prone to land sliding (areas adjacent to lakes, streams, springs) or any one of the following geologic formations: alluvium, landslide deposit, Latah formation;
 5. Areas of uncompacted fill;
 6. Areas that are unstable as a result of rapid stream or stream bank erosion.
- B. Identification and Mapping.
1. The existing critical areas map provides a general level of information regarding potential slide hazard areas (geologically hazardous areas) and is not intended to pinpoint erosion or landslide hazards on individual sites or properties. Lands that meet the classification characteristics for erosion and landslide hazards are mapped and used to flag areas within Millwood that have a high probability to meet the classification characteristics. There may be areas not designated on Millwood maps that exhibit the characteristics of potential slide hazard areas (geologically hazardous areas). The critical area map shall be updated as more accurate information becomes available to aid the public and project reviewers.
 2. Specific information may be provided by the applicant that indicates characteristics are not present on the site or that the proposal is not located within nor will impact a potential slide hazard area (geologically hazardous area); however, it is the intent of this chapter to require all areas that meet the classification characteristics of potential slide hazard areas (geologically hazardous areas) to meet the requirements of this section.
 3. Classification characteristics are identified as follows:
 - a. Soil characteristics are identified as those areas containing soils which according to the U.S. Department of Agricultural Soil Conservation Service (SCS) Classification System may experience severe to very severe erosion based on a formula which is based on several factors, including rainfall, slope, soil erodibility and other factors. Potential slide hazard areas (geologically hazardous areas) are based on a combination of geologic, topographic (slope) and hydraulic factors and have a high susceptibility to landslides.
 - b. Geologic characteristics are areas identified and described by the Washington State Department of Natural Resources and include:
 - i. Alluvium;
 - ii. Landslide deposits;
 - iii. Latah formation.
 - c. Topographic characteristics include areas within Millwood with severe site topography or slopes of thirty (30) percent or greater and have a severe potential for erosion and/or landslide hazards.

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- d. Other Characteristics. Hydraulic features include surface and groundwater conditions and the hydraulic changes resulting from a proposal. Uncompacted fill areas or steep-cuts as a result of site grading, construction activities or resource extraction.
- C. Potential Slide Hazard Area (Geologically Hazardous Area) Mitigation Plan and Evaluation.
1. Potential Slide Hazard Area (Geologically Hazardous Area) Mitigation Plans.
- a. A potential slide hazard area (geologically hazardous area) mitigation plan prepared by a qualified landslide or erosion specialist shall be required when the director determines that the impact of a use or activity located in a potential slide hazard area (geologically hazardous area) cannot be mitigated through the Millwood building code as adopted and as may be amended.
- b. A potential slide hazard area (geologically hazardous area) mitigation plan shall be prepared to identify construction standards for the proposal.
- c. Potential slide hazard area (geologically hazardous area) mitigation plans shall conform to Millwood regulations for stormwater management or any subsequent regulation adopted by Millwood providing erosion and landslide protection.
- d. A potential slide hazard area (geologically hazardous area) mitigation plan, prepared by a qualified landslide or erosion specialist, shall be prepared for building permits, road construction, utilities and storm drainage facility installations within a potential slide hazard area (geologically hazardous area).
2. Potential Slide Hazard (Geologically Hazardous Area) Evaluation, Preliminary Report. A potential slide hazard (geologically hazardous area) evaluation or feasibility report shall be prepared by a qualified landslide or erosion specialist and submitted with applications for preliminary plats, short plats, zone reclassifications, conditional use permits, variances, or ~~manufactured home park~~ site plans located in potential slide hazard areas (geologically hazardous areas). The potential slide hazard (geologically hazardous area) evaluation shall document the extent and nature of potential slide / geologic hazard on the subject property and shall provide mitigating measures and an assessment of potential slide / geologic hazards associated with the proposal. A more detailed potential slide hazard area (geologically hazardous area) mitigation plan may be required at the time of building permit application or actual construction approvals. Reports shall contain information necessary to ensure development will not exacerbate landslide risks or threaten public safety, including but not limited to:
- a. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site;
- b. An evaluation of the analysis area's inherent landslide and erosion hazards;
- c. A site plan of the area delineating all portions of the site subject to erosion, landslide, and seismic hazards; and
- d. A contour map of the proposed site at a scale of one inch = 20 feet or as deemed appropriate by the Director. Slopes shall be clearly identified and differentiated for the ranges between 15% and 29%, and 30% or greater.
3. Subdivision Dedication Notice. Final subdivisions or short plats located within potential slide hazard areas (geologically hazardous areas) shall contain language in the plat dedication to indicate lots or portions of lots that are affected by potential slide / geologic hazards. In addition, building setback lines may be drawn on lots, parcels and tracts as to indicate suitable areas for construction of structures or improvements.

(Ord. 350 (part), 2005)

18.08.075 Critical aquifer recharge areas.

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 are those areas with a critical recharging effect on aquifers used for potable water as defined by Section 365-190-030(2) WAC. Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of 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.
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 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.

TABLE 18.08.075B

Uses and Activities Regulated in Critical Aquifer Recharge Areas	Aquifer Susceptibility Rating
	High**
Biosolids land application	N
Critical material storage, handling, generating or use	L-2, L-3
Cultivation of land (commercial)	L-1
Dairy	L-1*
Floriculture (flower growing)	L-1
Grazing	L-1
Greenhouse—Commercial	L-1
Horse boarding and training	L-1
Horticulture (vegetable growing)	L-1
Large animal raising and/or keeping	L-1
Nursery—Wholesale	L-1

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Orchard	L-1
Poultry-raising, commercial	N
Riding stable	L-1
Sanitary waste discharge	L-2, L-3
Stormwater disposal systems	L-4
Tree farming	L-1
Truck gardening	L-1
Vineyard	L-1

Index:

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.

- 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.

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- 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).
 - 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.
 - 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 without an associated drainage swale or drainage swale system for stormwater disposal within five hundred (500) feet of wellhead protections areas are prohibited.

(Ord. 350 (part), 2005)

18.08.080 Incentives.

A. Property Tax and Income Tax Advantages.

- 1. Property Tax Relief. The Spokane County assessor shall consider the fish and wildlife habitat conservation areas and potential slide hazard areas (geologically hazardous areas) contained within this chapter when determining the fair market value of land.

Any owner of a fish and wildlife habitat conservation area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state, or federal government; or a nonprofit organization to permanently control some or all the uses and activities within these areas may request that the Spokane County assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation.

2. Federal Income Tax Advantages. There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or nonprofit organizations such as land trusts. The specific rules on federal income tax deductions can be found in Section 170 of the Internal Revenue Code.

Appendix A

The Table A-1 indicates soils of the Spokane County area that are most susceptible to erosion. Within the Millwood area specifically the following soils are found: Older Glacial Deposits Qgo, Glacial Flood Deposits Qgf, Palouse Formation Qp and Columbia River Group and Latah Formation Tcl. Although the Millwood area soils are not listed in Table A-1, they are gravelly loam type soils that are not always stable and have a high water infiltration rate.

Table A-1

Spokane County Soils Soil
Survey Spokane County, Washington
7/6/94

Map Symbol	Map Unit Name	Erosion Factors		Erosion Hazard
		K	T	
AaC	Athena silt loam, 5 to 30% slopes	0.37	5	Severe
AaD	Athena silt loam, 30 to 55% slopes	0.37	5	Severe
AaE	Athena silt loam, 55 to 70% slopes	0.37	5	Severe
AaD	Athena silt loam, 5 to 55% slopes	0.37	5	Severe
AIC	Athena-lance silt loams, 0 to 30% slopes	0.37	5	Severe
AID	Athena-lance silt loams, 30 to 55% slopes	0.37	5	Severe
BaB	Bernhill silt loam, 0 to 20% slopes	0.43	5	Severe
BaC	Bernhill silt loam, 20 to 30% slopes	0.43	5	Severe
BaD	Bernhill silt loam, 30 to 55% slopes	0.43	5	Severe
BbB	Bernhill silt loam, moderately shallow 30 to 55% slopes	0.37	2	Severe
BfD	Bernhill very stony silt loam, 20 to 55% slopes	0.24	5	Severe
BhD	Bernhill soils, 20 to 55% slopes	0.24	5	Severe
BkC	Bernhill very rocky complex, 0 to 30% slopes	0.43	5	Severe
BkD	Bernhill very rocky complex, 30 to 55% slopes	0.43	5	Severe
BrC	Bong and Phoebe coarse sandy loams, 20 to 30% slopes	0.24	5	Severe
BxD	Brickel stony loam, 20 to 55% slopes	0.24	2	Severe
CeB	Cedonia silt loam, 5 to 20% slopes	0.37	5	Severe
CeC3	Cedonia silt loam, 20 to 30% slopes, severely eroded	0.37	5	Severe
CtB	Clayton loam, 5 to 20% slopes	0.37	3	Severe
DaB	Drearyton silt loam, 5 to 20% slopes	0.32	3	Severe
DaC	Drearyton silt loam, 20 to 40% slopes	0.32	3	Severe
DrC	Dragoon silt loam, 0 to 30% slopes	0.37	2	Severe
DsC	Dragoon stony silt loam, 0 to 30% slopes	0.32	2	Severe
DsC	Dragoon stony silt loam, 0 to 30% slopes	0.32	2	Severe
DsD	Dragoon stony silt loam, 30 to 55% slopes	0.32	2	Severe
DvD	Dragoon variant, very rocky complex 20 to 50% slopes	0.37	1	Severe
EID	Eloika very stony silt loam, 30 to 55% slopes	0.24	3	Severe
FaB	Freeman silt loam, 30 to 55% slopes	0.32	5	Severe
FAB3	Freeman silt loam, 5 to 20% slopes, severely eroded	0.32	5	Severe
FaC3	Freeman silt loam, 20 to 30% slopes, severely eroded	0.32	5	Severe
GaC3	Gardfield silty clay loam, 0 to 30% slopes, severely eroded	0.32	5	Severe
GpB	Glenrose silt loam, 5 to 20% slopes	0.32	5	Severe
GpC	Glenrose silt loam, 20 to 30% slopes	0.32	5	Severe

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GpD	Glenrose silt loam, 30 to 55% slopes	0.32	5	Severe
GrD	Glenrose silt loam, 20 to 55% slopes	0.24	5	Severe
GsD	Glenrose stony silt loam, 20 to 55% slopes	0.32	5	Severe
GtB	Green bluff silt loam, 5 to 20% slopes	0.32	5	Severe
HfC	Hagen loamy fine sand, 0 to 30% slopes	0.32	5	Severe
HvD	Hesseltine very rocky complex, 30 to 55% slopes	0.10	1	Severe
LaD	Lakesol silt loam, 20 to 55% slopes	0.32	5	Severe
LeB	Laketon silt loam, 5 to 20% slopes	0.37	5	Severe
LmC	Lance silt loam, 0 to 30% slopes	0.55	5	Severe
LmC3	Lance silt loam, 0 to 30% slopes, severely eroded	0.55	5	Severe
LnB2	Larking silt loam, 5 to 20% slopes, eroded	0.32	5	Severe
LnD2	Larking silt loam, 20 to 45% slopes, eroded	0.32	2	Severe
MmC	Moscow silt loam, 0 to 30% slopes	0.32	2	Severe
MmD	Moscow silt loam, 30 to 55% slopes	0.32	2	Severe
MoC	Moscow silt loam, shallow, 0 to 30% slopes	0.37	1	Severe
MoD	Moscow silt loam, shallow, 30 to 55% slopes	0.37	1	Severe
MsC	Moscow very rocky complex, 0 to 30% slopes	0.37	1	Severe
MsE	Moscow very rocky complex, 30 to 70% slopes	0.37	1	Severe
NaC	Naff silt loam, 5 to 30% slopes	0.32	5	Severe
NaC2	Naff silt loam, 5 to 30% slopes, eroded	0.32	5	Severe
NaC3	Naff silt loam, 0 to 30% slopes, severely eroded	0.32	5	Severe
NaD2	Naff silt loam, 30 to 45% slopes, eroded	0.32	5	Severe
NpB	Nez Perce silt loam, 5 to 20% slopes	0.32	5	Severe
NpB3	Nez Perce silt loam, 5 to 20% slopes, severely eroded	0.32	5	Severe
PaC	Palouse silt loam, moderately shallow, 20 to 30% slopes	0.32	2	Severe
PbC2	Palouse silt loam, 5 to 30% slopes, eroded	0.32	5	Severe
PcE	Palouse very rocky complex, 30 to 70% slopes	0.10	1	Severe
RdB	Reardan silt loam, 5 to 20% slopes	0.37	3	Severe
RdB2	Reardan silt loam, 5 to 20% slopes, eroded	0.37	3	Severe
RdC2	Reardan silt loam, 20 to 30% slopes, eroded	0.37	3	Severe
SaC	Schumacher silt loam, 20 to 30% slopes	0.32	3	Severe
SaC2	Schumacher silt loam, 20 to 30% slopes, eroded	0.32	3	Severe
SaD	Schumacher silt loam, 30 to 55% slopes	0.32	3	Severe
ScD	Schumacher gravelly silt loam, 30 to 55% slopes	0.20	3	Severe
ScD2	Schumacher gravelly silt loam, 30 to 55% slopes, eroded	0.20	3	Severe
SnC	Snow silt loam, 5 to 30% slopes	0.32	5	Severe
SoE	Speigle very stony silt loam, 30 to 70% slopes	0.20	5	Severe
SpC	Spokane loam, 0 to 30% slopes	0.28	2	Severe
SpD	Spokane loam, 30 to 55% slopes	0.28	2	Severe
SrE	Spokane stony loam, 30 to 70% slopes	0.24	2	Severe
SsC	Spokane complex, 0 to 30% slopes	0.28	2	Severe
SsE	Spokane complex, 30 to 70% slopes	0.28	2	Severe
StE	Spokane very rocky complex, 30 to 70% slopes	0.28	2	Severe

SuE	Spokane extremely rocky complex, 20 to 70% slopes	0.24	2	Severe
SzE	Springdale gravelly loamy sand, 30 to 70% slopes	0.10	5	Severe
TeC	Tekoa gravelly silt loam, 20 to 30% slopes	0.24	2	Severe
TeD	Tekoa gravelly silt loam, 30 to 55% slopes	0.24	2	Severe
TkD	Tekoa very rocky complex, 25 to 55% slopes	0.24	2	Severe
UhB	Uhlig silt loam, 5 to 20% slopes	0.37	5	Severe
UmC	Uhlig variant silt loam, moderately shallow, 5 to 30% slopes	0.37	2	Severe
VaC	Vassar silt loam, 0 to 30% slopes	0.32	3	Severe
VaD	Vassar silt loam, 30 to 55% slopes	0.32	3	Severe
VsD	Vassar very rocky silt loam, 20 to 55% slopes	0.32	3	Severe

(Ord. 350 (part), 2005)