

## 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 or Title 15 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, Title 17 of this Code 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).

**“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 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

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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.

**"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 biophillic 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.

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- 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.

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**"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.

**"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).

**"Neighborhood commercial"** means small-scale businesses and services (like coffee shops and local markets) that serve the daily needs of nearby residents, integrating into residential areas to promote walkability and reduce car trips for necessities, consistent with Blue Zone principles.

**"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 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.

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**"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)