



Planning Commission Regular Meeting Agenda

Wednesday, May 27, 2026 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL
2. APPROVAL OF MEETING AGENDA
3. APPROVAL OF MINUTES

- a. [Motion to approve meeting minutes as presented or with any modifications.](#)

4. ACTION ITEMS

- a. [Periodic Update - Review Requested Modifications \(from 5/13/26 meeting\)](#)
 - b. [Periodic Update - Review Title 14, Land Use \(5-20-26\)](#)
 - c. [Periodic Update - Review Chapter 17.44, Administration and Enforcement \(5-19-26\)](#)
 - d. [Periodic Update - Review Title 17 Appendix A, Definitions \(Addressing 5-18-26\)](#)
 - e. Periodic Update - Discuss Minimum Lot Size

5. PUBLIC REMARKS

Public Remarks are an opportunity for citizens to address the Planning Commission either in-person or by submitting their remarks to remarks@millwoodwa.us. We ask that in-person speakers limit themselves to two minutes and follow the Citizen Participation Guidelines Policy as posted on the City of Millwood website www.millwoodwa.us/government#CityCouncil or available at City Hall prior to this meeting.

6. CITY PLANNER REPORT

- a. [City Planning Report for April 2026](#)
 - b. City Council Workshop - June 9, 2026 at 5pm (Financial & Regulatory Incentives for Housing)

7. COMMISSIONER COMMENTS

8. SET NEXT MEETING - Regular Meeting / Public Workshop June 24, 2026 at 6:00pm

- a. Periodic Update - Review Draft Development Regulations MMC Updates & Design Review Discussion
 - b. *Joint Planning Commission & City Council Workshop - July 14, 2026 at 5pm?*
 - c. *Cancellation of July 29th Planning Commission Meeting?*
 - d. Periodic Update Planning Commission Public Hearing - Scheduled for August 26, 2026

9. ADJOURNMENT



Planning Commission Special Meeting Minutes

Wednesday, April 22, 2026 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL

The Planning Commission Special Meeting was called to order by Chairman Ankney at 6:00pm. A quorum was present.

PRESENT

Commissioner Mike Ankney
Commissioner Bobbie Beese
Commissioner Jay Molitor
Commissioner Bill Rickard
Commissioner Karina Chernioglo

2. APPROVAL OF MEETING AGENDA

Motion was made by Commissioner Molitor, Seconded by Commissioner Beese to approve the meeting agenda.

Voting Yea: Chairman Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard, Commissioner Chernioglo

3. ACTION ITEMS

a. Periodic Update - Review Requested Modifications and Research (from 3/31/26 meeting)

Ms. Tainio presented the Periodic Update - Review Requested Modifications and Research, including all corrections requested by the Planning Commission, including: removing neighborhood commercial from the code, adjusting unit lot counts, appendix updates for public utilities, adding duplex and stacked flats to mixed-use, adjusted wording of ADUs, updated setbacks for C-2, and updated research on urban agriculture and beekeeping.

Commissioner Chernioglo asked what type of beekeeping license was required by Millwood to prevent armatures from causing Colony Collapse Disorder (CCD) and other adverse environment effects. Ms. Tainio stated the City only required a beekeeping license and didn't specify the type. Commissioner Molitor asked if the definition of beekeeping was included in the code and Ms. Tainio said that all activities related to beekeeping were clearly defined in the code.

Commissioner Beese asked if livestock was clearly defined in the code and Ms. Tainio clarified section UR-1 included "livestock units" which were defined as, "horse, mule, donkey, burrow, bovine, llamas, alpaca or sheep," and that, "no other animals including pigs or swine shall be allowed." Ms. Tainio proposed adding the description to the definitions in the code. Commissioner Beese and the rest of the Planning Commission agreed.

b. Periodic Update - Review Existing vs Proposed Review Processes Presentation

Ms. Tainio presented updates clarifying the difference between the Hearing Examiner, City Council and the Hybrid Review Processes. Ms. Tainio outlined the pros and cons of each Review Process and recommended the Hearing Examiner system after consulting legal counsel and other local city leaders. Ms. Tainio explained how it would make the code easier to enforce, since the Quasi-Judicial system required the City Council and Planning Commission to act in a judicial capacity, which could make further appeals more difficult. However, since Millwood is a small jurisdiction and reviews a limited number of appeals, a Hearing Examiner may be unnecessary.

Chairman Ankney requested clarification on the financial obligations of a Hearing Examiner. Ms. Tainio explained that a Hearing Examiner would be added to the Professional Services portion of the fee schedule, so the applicant would pay for the Hearing Examiner.

Commissioner Beese expressed concerns about using a Hearing Examiner which would limit Millwood's judicial power and the authority of the City Council and the community's voice. Chairman Ankney and Commissioner Beese agreed that Millwood's current legal counsel already provided adequate help in appeals hearings to protect the interests of the City.

Ms. Tainio discussed how adoption of a Hearing Examiner would also streamline the permit review process and timeline, which may require additional meetings of the Planning Commission to fulfill various deadlines. Ms. Tainio assured the Planning Commission that the Hearing Examiner would have a thorough knowledge of the code and the Millwood Comprehensive Plan.

The Commission came to a consensus to keep the current Hybrid Review Process until such time as a Hearing Examiner became necessary, such as a WA state mandate. Commissioner Molitor asked if a motion was needed to keep the current Hybrid Review Process, and Ms. Tainio said that no motion was needed and the Planning Commission's recommendation would help her revise further updates to the code and different permit types that required administrative and quasi-judicial procedures.

c. Periodic Update - Review Ch. 17.06, Table of Permitted Users (3/23/26)

Chairman Ankley asked if further discussion was needed of Review Ch. 17.06, Table of Permitted Users. Ms. Tainio stated it had previously been discussed at the March 31, 2026, regular meeting. The Commission agreed to remove it from the agenda.

d. Periodic Update - Review Ch. 17.08 to 17.18, Residential Zones (3/23/26)

Chairman Ankley asked if further discussion was needed of Periodic Update - Review Ch. 17.08 to 17.18, Residential Zones. Ms. Tainio stated it had previously been discussed at the March 31, 2026, regular meeting. The Commission agreed to remove it from the agenda.

e. Periodic Update - Review Ch. 17.20 to 17.36, Commercial Industrial Public Zones (3/23/26)

Ms. Tainio outlined updates to the Commercial Zones table requested at the last meeting by Commissioner Beese. Ms. Tainio discussed some of the changes made to table, including changing the maximum building height from three to four stories, which must be no higher than 48 feet where the structure is at least 25% residential. Ms. Tainio also included new items for roof mounted solar and exceptions to roof height for retrofits of existing buildings for residential housing. Ms. Tainio explained how she added new requirements from RCW for sections C-1 and C-2, updating language about parking requirements for mixed-used buildings to both sections.

Ms. Tainio also added updates to bicycle parking which was discussed at the last meeting. Commissioner Rickard and Commissioner Beese asked for further clarification about the definition of bicycle racks and Ms. Tainio explained that a bicycle parking stall/space is required with five or more vehicle parking stalls/spaces at a ratio of 1:5. Commissioner Beese and Commissioner Rickard requested that Ms. Tainio add a definition of what constituted a "bicycle stall," including some of the common types available like loop styles, wave styles, grid

styles and even decorative racks shaped like bicycles. Ms. Tainio agreed to add that information and said that most styles were permitted if the racks could hold at least five bikes.

Commissioner Chernioglo asked for clarification of the date when Millwood became the first incorporated town in Spokane Valley. Commissioner Beese explained the first Mayor was elected in November of 1927, and the election was certified in 1927. However, the first meeting of the City Council was in January of 1928, when Millwood formed an official government, which is why there is still some dispute about the correct date of incorporation. Commissioner Beese and Ms. Tainio discussed changing the date to 1927/1928 in the document and adding a footnote about the exact dates of the election and the first City Council Meeting.

Commissioner Beese asked for clarification on Churches/ Places of Worship being allowed outdoor encampments. Ms. Tainio explained that it was covered under the Conditional Use Permit. Chairman Ankney and Ms. Tainio also explained that outdoor encampments were still subject to review and that Conditional Use Permits allowed the Planning Commission to condition them under certain parameters of the law.

Commissioner Rickard asked Ms. Tainio about the additional information on Off-Street Parking Design. Ms. Tainio explained that the language was incorporated to make Millwood standards consistent with the Spokane County Standards and covers certain topics such as public rights-of-way, painting markers, dimensions of parking stalls and a new visual of the required parking layouts. Ms. Tainio explained that the new parking dimensions are required by WA state law.

Commissioner Beese asked about exceptions permitted in the C-2 zone for backing out into the public right-of-way and Ms. Tainio said that these exceptions were for those parking spots where there was no other option to turn around in a parking lot or driveway. Commissioner Beese was concerned that the language wasn't specific enough. Ms. Tainio offered to add "when no other option exists," and the Planning Commission agreed.

Ms. Tainio discussed adding new references to loading spaces in commercial zones because Millwood did not previously have them. Some of the new references include not backing out into a public street, located at a minimum of 25 feet from a property line, 50 feet from any residential zone and requirements for off-street loading. Commissioner Beese asked for clarification of Temporary Loading Zones for businesses, and Ms. Tainio explained that it was covered under exceptions for Marked Commercial Loading Zones or Temporary Loading Zones.

Commissioner Beese suggested that the language for "flanking streets" be consistent for commercial and residential and reference "height in feet" instead of "stories." Commissioner Beese and Ms. Tainio agreed to research previous building height requirements for I-2 and cross reference correct information between I-1 and I-2, which may have additional requirements. Ms. Tainio suggested adding additional building height requirements for I-2.

Ms. Tainio described how she cross referenced and cleaned unnecessary and redundant information in I-2 Manufacturing/Industrial Zone-Paper Mill Alternative Zone. Commissioner Beese asked if the language still outlined the requirements for redevelopment of the paper mill if it ceased to operate. Ms. Tainio explained how she eliminated unnecessary information that referenced group care homes and how the regulations for redeveloping the paper mill parcel for commercial and residential use are still intact. Commissioner Beese expressed concerns about allowing another "box plant" to use the space, and Ms. Tainio assured Commissioner Beese that the I-1 Light Industrial Zone requirements are still in the code.

Commissioner Rickard requested changes to Off-Street Parking language that stated, "all employees shall park on the parcel with the commercial or public use" noting that it made it sound like a violation if an employee parked on the street. Commissioner Rickard was in favor of removing the line. Commissioner Beese suggested changing the word "shall" to "should" to encourage employees to park where they work but specify that it is not a requirement. The Planning Commission agreed to keep the item but change the wording.

- f. Periodic Update - Review Ch. 17.38, General Provisions (2/19/26)
- g. Periodic Update - Review Title 17 Appendix A, Definitions (2/19/26)
- h. Periodic Update - Review Ch. 17.42, Wireless Communication Facilities (3/23/26)
(added due to Table of Permitted Uses update for C-2 antennas)

4. PUBLIC REMARKS

Public Remarks are an opportunity for citizens to address the Planning Commission either in-person or by submitting their remarks to remarks@millwoodwa.us. We ask that in-person speakers limit themselves to two minutes and follow the Citizen Participation Guidelines Policy as posted on the City of Millwood website www.millwoodwa.us/government#CityCouncil or available at City Hall prior to this meeting.

No public remarks were made.

5. SET NEXT MEETING - April 29, 2026 at 6:00pm

- a. Periodic Update - Review Draft Development Regulations Updates

Ms. Tainio suggested including action items f. General Provisions, g. Title 17 Appendix A, Definitions, h. Wireless Communication Facilities on the next meeting agenda and adding Title 15 Construction as an additional action item.

6. ADJOURNMENT

Motion made by Commissioner Rickard, Seconded by Commissioner Chernioglo to adjourn the Planning Commission Special Meeting at 7:28 pm.

Voting Yea: Commissioner Ankney, Commissioner Beese, Commissioner Rickard, Commissioner Molitor, Commissioner Chernioglo



Planning Commission Regular Meeting Minutes

Wednesday, April 29, 2026 at 6:00 PM

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1. CALL TO ORDER & ROLL CALL

The Planning Commission Special Meeting was called to order by Commissioner Ankney at 6:00pm. A quorum was present.

PRESENT

Commissioner Mike Ankney
Commissioner Bobbie Beese
Commissioner Jay Molitor
Commissioner Bill Rickard
Commissioner Karina Chernioglo

2. APPROVAL OF MEETING AGENDA

Motion was made by Commissioner Molitor, Seconded by Commissioner Rickard to approve the meeting agenda.

Voting Yea: Chairman Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard, Commissioner Chernioglo

3. APPROVAL OF MINUTES

- a. Motion to approve meeting minutes as presented or with any modifications.

Chairman Ankney requested adding Commissioner Beese to the approval of the agenda voting.

Commissioner Beese requested modification of pg. 2, action item b., paragraph four to change "encourage" to "encouraged," and paragraph six to change "withining" to "within."

Motion made by Commissioner Molitor, Seconded by Commissioner Beese to approve the March 31, 2026 minutes with modifications.

Voting Yea: Chairman Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard

Abstained: Commissioner Chernioglo

4. ACTION ITEMS

- a. Periodic Update - Review Requested Modifications (from 4/22/26 meeting)

Ms. Tainio presented the Review Requested Modifications (from 4/22/26 meeting) and noted changes suggested by Commissioner Chernioglo to change the word "quality" to "qualify" in the definition of Cottage Housing, which was a typo in the state definition.

Ms. Tainio also discussed changes to Appendix A Definitions, noting that the most recent definitions of Title 14, Title 15, Title 16 & Title 18 of WA state law shall prevail to safeguard

against any future discrepancies. Commissioner Beese asked if the definitions of each title were consistent. Ms. Tainio clarified that the definitions of Title 15 and Title 16 are for specific purposes, while the definitions of Title 17 are all encompassing. If there was a discrepancy, the code ensures that the most recent definition under state law would prevail.

Commissioner Beese requested an update to the definition of livestock which does not include fowl and rabbits, Ms. Tainio agreed to include it.

Commissioner Beese also requested clarification of abutting residential zones from Table 17-3, Ms. Tainio explained that since she only included updates in the current packet, the Commission would need to refer to the packet from March, 31st for the full language which states, "Where at least 25% of a structure is residential, the maximum building height can be 4 stories, but no higher than 48 feet," for mixed-use. Commissioner Beese suggested updating the I-2 to 30 ft. for flanking street above two stories, and Ms. Tainio agreed to make the update.

b. Periodic Update - Review Ch. 17.38, General Provisions (2/19/26)

Ms. Tainio presented Periodic Update General Provisions and asked the Commission to refer to the original packet from March 31 for reference. Ms. Tainio explained all the changes and updates she made, such as reorganizing the regulations for fences, which was proposed by the City Council. Chairman Ankney asked if the fence regulations included the distance from the property, and Ms. Tainio explained that the 42 inches included the distance of the front yard setback.

Ms. Tainio updated the previous language for sidewalks, trails, and shared roadways to include complete streets so that Millwood would have a Complete Street Ordinance and qualify for additional funding. Ms. Tainio mentioned the need to add a transportation component to the code so it would be consistent with the current Millwood Comprehensive Plan. Commissioner Beese asked if streets were defined in the comp plan, and Ms. Tainio assured her that they were thoroughly defined and reviewed in the Millwood Comprehensive Plan.

Ms. Tainio described adding a new Alternative Methods of Compliance section to the code so Millwood could accept alternative methods for meeting development standards. For example, the new section would allow minor commercial landscaping projects that didn't require a full code variance, as long as they stayed consistent with commercial landscaping standards.

c. Periodic Update - Review Title 17 Appendix A, Definitions (2/19/26)

Ms. Tainio presented the Periodic Update - Review Title 17 Appendix A, Definitions and explained how she had to update this section with new information from WA state and remove redundant information. Ms. Tainio asked the Planning Commission if they had any questions about the changes, including definitions she deleted and those she added.

Commissioner Beese asked if marijuana was still the correct term or if WA state had adopted the use of cannabis, the scientific name. Ms. Tainio assured her that it was not on the WA checklist of Periodic Updates, so she did not anticipate it being an issue. Commissioner Ankney asked for clarification on the permitted uses of marijuana, and Ms. Tainio said that all language in the code regarding marijuana came directly from WA state.

Commissioner Chernioglo asked about the new definition of Multifamily Housing which she understood to mean two or more units like a duplex, not six or more units as written in the code. Ms. Tainio explained that the New Middle Housing Standards in the Table of Permitted Uses and Millwood Comprehensive Plan includes single family, duplex, triplex, fourplex and fiveplex. Millwood now defines Multifamily as six or more attached dwelling units.

Commissioner Beese had an additional question about the definition of walking distance as "all lots which touch the path/ route are considered walking distance," and Ms. Tainio said that she believed that this definition may have come from WA state but wasn't sure. She explained that

walking distance is usually defined as .5 miles. However, if there is a sidewalk that goes from a lot to a specific location, like City Park, that is over .5 miles it would still be considered walking distance.

Ms. Tainio asked to remove the review of Title 17 Appendix A, Definitions from the next meeting agenda. Chairman Ankney asked if the Commission would have a chance to edit it again if necessary. Ms. Tainio assured him that there would be final opportunity for edits after the Public Review. Ms. Tainio added that she may have to periodically update any new definitions while she reviews and updates the remaining titles, promising to notify the Planning Commission of any additional changes.

- d. Periodic Update - Review Ch. 17.42, Wireless Communication Facilities (3/23/26) (added due to Table of Permitted Uses update for C-2 antennas)

Ms. Tainio presented the Periodic Update – Review Ch. 17.42, Wireless Communication Facilities and explained that she only had to change the term “districts” to “zones” so the code was consistent with the Table of Permitted Uses update for C-2 antennas. There were no comments from the Planning Commission and they confirmed that Ms. Tainio could remove Wireless Communication Facilities from the next meeting agenda.

- e. Periodic Update - Review Title 15, Construction (4/15/26)

Ms. Ms. Tainio presented the Periodic Update - Review Title 15, Construction. Ms. Tainio explained that she met with, Jenny Nickerson, Building Official of the City of Spokane Valley. Ms. Tainio provided background information for Commissioner Chernioglo on the interlocal agreement between Millwood and the City of Spokane Valley. Ms. Tainio explained that she is the Building Official for Millwood; however, Spokane Valley issues all of building permits. Ms. Tainio said that Jenny Nickerson reviewed and approved all their updates to Title 15, Construction so they were up to code and in alignment with Spokane Valley. Ms. Tainio also sent the updates to the City’s legal counsel who approved them as well.

Ms. Tainio explained how the updates were made to reflect current codes and to make clarifications between the City of Millwood and the City of Spokane Valley.

Commissioner Rickard asked why Spokane County was removed and Ms. Tainio explained that the City of Millwood had an interlocal agreement with Spokane County at one time, but they no longer do because we now have an interlocal agreement with the City of Spokane Valley. This has proved beneficial for both cities and resulted in more efficient permit processing.

Ms. Tainio also outlined the role of the Building Official for Millwood and explained the process of deferring to the Building Official of Spokane Valley when necessary because it was not specifically stated in the code.

Ms. Ms. Tainio further explained the appeals process and said that neither Millwood nor Spokane Valley has a Board of Appeals. If there is an issue of appeal Millwood goes to City Council and Spokane Valley goes to a Hearing Examiner, therefore appeals relating to permits depend on who approved the original permit, either Millwood’s Building Official or Spokane Valley’s Building Official.

Commissioner Rickner asked if the Spokane Valley Hearing Examiner had to be familiar with Millwood’s code and Ms. Tainio said no. The Hearing Examiner for Spokane Valley would only need to be familiar with Spokane Valley’s code, because any appeals on decisions made by Spokane Valley, such as a building permit for a single-family home would go through them. Any decisions made by Millwood, such as a site plan review for a single-family home, would go through Millwood’s appeals process.

Commissioner Beese questioned the reference to “Chapter 51-19 WAC, Washington State Historic Building Code, as amended” and mentioned that it is listed as “repealed” on the Washington State Department of Archaeology & Historic Preservation’s website and been

replaced by Chapter 12 of the International Existing Building Code. Chairman Ankney found that it still exists on the Washington Administrative Code's website. Ms. Tainio made a note of the discrepancy and said she would investigate it. If she found that it had truly been repealed, she would update it in the code.

Ms. Tainio discussed updating the building permit applications. Commissioner Beese asked what was meant by "code cycle" and Ms. Tainio explained that it was a reference to the code being updated every three years. New building applications made during changes in the code cycle are subject to the original code when the application was submitted. However, extensions, up to 180 days of a permit that has already been issued, cannot exceed the code cycle of the original application and may require a new application and fee if necessary.

Ms. Tainio explained further updates from WA state that were added such as the appeals, violations and penalties. Commissioner Molitor asked if WA state required the new additions to Dangerous Buildings that had previously been approved by City Council. Ms. Tainio said the changes were a combination of the required International Property Maintenance Code, which the state has adopted, and the City of Millwood's own requirements.

Commissioner Chernioglo referenced a section of the code where the "Building Official" is still referred to by the pronoun "he," asking for gender-neutral pronouns like "he," "she," "their," or simply the "Building Official." Ms. Tainio agreed and said that she has made every effort to use gender neutral terms when updating new sections of the code, noting a final edit will be done to make sure they are consistent throughout Title 15.

Commissioner Molitor asked Ms. Tainio why she deleted the fee of \$50 from the development permit fee and Ms. Tainio stressed that she eliminated fees throughout the code because they were all outdated. She said that there should be no specific fees in the code and only reference to the current fee schedule.

5. PUBLIC REMARKS

Public Remarks are an opportunity for citizens to address the Planning Commission either in-person or by submitting their remarks to remarks@millwoodwa.us. We ask that in-person speakers limit themselves to two minutes and follow the Citizen Participation Guidelines Policy as posted on the City of Millwood website www.millwoodwa.us/government#CityCouncil or available at City Hall prior to this meeting.

Mr. Beese commended the Planning Commission and Ms. Tainio for the work they have done to update the code. He made additional announcements about upcoming events in Millwood including, Millwood Impact Longhorn BBQ Dinner on April 30 and a Pub Crawl on Saturday, May 2nd to benefit Wes's Way Foundation. Mr. Beese also updated the Planning Commission on the Spokane Transit's presentation on art installations and gave the committee members a site plan handout.

6. CITY PLANNER REPORT

a. City Planning Report for March 2026

Ms. Tainio presented her March 2026 planning report.

7. COMMISSIONER COMMENTS

Chairman Ankney complimented everyone for their hard work reviewing updates to the code and asked Ms. Tainio if another special meeting for May 13th was still needed. Ms. Tainio agreed with the Planning Commission that another special meeting on May 13th would be necessary to finish Title 16, Subdivisions so it didn't overload the agenda for their regular meeting on May 27th. Ms. Tainio anticipated moving on to a Public Review Meeting in June. Chairman Ankney thanked Ms. Gill and Ms. Tainio for their hard work and thanked the public for attending.

Chairman Ankney entertained a motion to hold another Special Meeting on May 13, 2026 at 6:00 pm. Motion made by Commissioner Chernioglo, Seconded by Commissioner Molitor to hold a

Special Meeting on May 13, 2026, at 6:00 pm. Commissioner Rickard was excused from the Special Meeting. Chairman Ankley noted a quorum would still be present.

Voting Yea: Commissioner Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard, Commissioner Chernioglo

Commissioner Beese no comment.

Commissioner Rickard no comment.

Commissioner Molitor no comment.

Commissioner Chernioglo no comment.

8. SET NEXT MEETING - Special Meeting May 13, 2026 at 6:00pm & Regular Meeting May 27, 2026 at 6:00pm

a. Periodic Update - Review Draft Development Regulations Updates

Ms. Tainio discussed anticipated agenda items will be the form Requested Modifications from 4/29/26 meeting (Review Tracker 5-4-26) and Review of Title 16, Subdivisions (4-30-26)

9. ADJOURNMENT

Motion made by Commissioner Molitor, Seconded by Commissioner Beese to adjourn the Planning Commission Special Meeting at 7:31 pm

Voting Yea: Commissioner Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard, Commissioner Chernioglo

2026 PERIODIC UPDATE - DEVELOPMENT REGULATIONS REVIEW TRACKER

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Chapter_18.08__CRITICAL_AREAS (10-20-25 & 12-31-25)
 - Chapter_17.04__TITLE__USE_ZONES__BOUNDARIES_AND_ZONES (2-19-26)
 - Chapter_17.06__TABLE_OF_PERMITTED_USES (2-19-26 & 3-23-26)
 - Chapter_17.08-Chapter_17.18_RESIDENTIAL (2-19-26 & 3-23-26)
 - Chapter_17.20-Chapter 17.36_COMMERCIAL-INDUSTRIAL-PUBLIC (2-19-26 & 3-23-26)
 - Chapter_17.38__GENERAL_PROVISIONS (2-19-26)
 - Chapter_17.42__WIRELESS_TELECOMMUNICATION_FACILITIES (3-23-26)
 - Chapter_17.48__ESSENTIAL_PUBLIC_FACILITIES (2-19-26)
 - Title 17 APPENDIX_A__DEFINITIONS (2-19-26)
 - 2026 Periodic Update - Existing vs. Proposed Review Processes 3-31-26
- **2/25/26 Planning Commission Meeting**
 - Table of Permitted of Permitted Uses - PR-1 changed to P-1

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
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- Title 17 Appendix A Definitions - check definition of family daycare provider to include adult daycare (Definition from RCW, Adult Family Home includes adult daycare)
- Allow short roof mounted wireless antennas in C-2 (add to Table of Permitted Uses and Type 1 in MMC Ch. 17.42)

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
<u>Wireless Telecommunication Towers, Antennas, and Facilities</u>	<u>X / A</u>	<u>X / A</u>	<u>X / A</u>	<u>S</u>	<u>X S</u>	<u>S</u>	<u>S</u>	<u>Refer to Chapter 17.42 for specific requirements and location limitations</u>

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.

- 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.
 - **Adjust wording of ADUs #8 (17.16.010A) for clarity**
 - 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.
 - **Animals / urban agriculture section corrections in UR-2, UR-3, C-1, and C-2, allow fowl / rabbits in UR-3, and bees in additional zones.** Review continued at 3/31/26 meeting.
 - MMC Ch. 17.04 (2/19/26), Ch. 17.48 (2/19/26), & Ch. 18.08 (12/31/25) review is complete
 - Request by citizen to review Millwood Historic District language under UR-2, UR-3, and C-2 (**changed shall to should consider for consistency with historic register**) - only designated registry properties are required to comply, other properties it is optional and at owner's discretion, provided as a resource for homeowners
- 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.
- **3/31/26 Planning Commission Meeting & 4/10/26 Meeting w/ Commissioner Beese**
 - **Remove Neighborhood Commercial from Table of Permitted Uses, Residential Zones, and Title 17 Appendix Definitions** (keep in file for possible future inclusion)
 - Bring back review process for discussion of Hearing Examiner system use
 - Keep Development Regulations amendments as multiple times per year instead of once per year w/ Comp Plan option
 - **Raise short plats up to 9 lots and subdivisions to 10+ lots**
 - **Added definition in Title 17 Appendix for "Public Utility Local Distribution Facility", corrected "Public Utility Transmission Facility" definition, removed "Utility Services Systems" from Table of Permitted Uses (duplicative and not commonly used in area), and added Public Utility Local Distribution Facility with Public Utilities / corrected Public Utility Transmission Facility with EPF reference added**

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR</u> <u>P-1</u>	<u>USE</u> <u>REGULATIONS</u>

Public Utilities / <u>Public Utility Local Distribution Facility</u>	P	P	P	P	P	P	P	
Public Utility Local Distribution <u>Transmission Facility</u>	X	X	X	X	X	P	CUP	CUP 17.44.070 - 130 & Refer to 17.48.050 Location of EPFs
Utility Services Systems	X	X	X	X	X	P	X	

"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.~~

- Added Duplex & Stacked Flat to C-1/C-2 in Table of Permitted Uses (C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B))

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR P-1	<u>USE REGULATIONS</u>
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	X S	X S	<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 S	X S	X	X	C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)

- Added "Must be" to UR-1, UR-2, and UR-3 under subsection B

17.10.040 Libraries, churches, art galleries, schools.

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.

17.12.030 Libraries, churches, art galleries, schools.

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.

17.14.030 Libraries, churches, art galleries, schools.

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.

- Concern with Accessory Buildings being taller (to accommodate Detached ADUs) when they are a pole building style. Detached ADUs must be allowed to be at least 24 feet in height and ADU requirements cannot be more restrictive than those for a principal unit. Pole buildings / metal is not currently a prohibited building type / material for Millwood residential zones. Revised 17.08.010, Table 17-2 to adjust heights and setbacks for accessory buildings and added a note about sq. footage under lot coverage to comply with RCW as well as 5' separation exemption.

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
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story / Height up to 20 ft.	5 ft.	5 ft.	5 ft.
	1.5 Story / Height up to 28 ft.	10 ft.	10 ft.	10 ft.
	2 Story / Height up to 35 ft.	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks (2)	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage (3)		40%	40%	40%
Maximum Total Lot Coverage (14)		60%	60%	60%
Building Height (5) (6) (7)		35 ft.	35 ft.	35 ft.
	Accessory Buildings	25 ft.	20 ft.	20 ft.
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.

(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.

- Research on beekeeping, fowl, and rabbits in urban environments / review other jurisdictions (City of Spokane Valley). Added definitions for beehive and beekeeping in Title 17 Appendix, prepared City of Spokane Valley and Spokane County zoning comparison exhibit, and included draft language based on zoning comparison. Also added rabbits to UR-1 consistent with fowl (apparent oversight on previous non-inclusion).

"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.

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.

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.

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.
 - 4G. 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.

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

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.

- Adjusted Commercial lot coverage and setbacks based on review of C-1 and C-2 parcel locations.

17.20.010 Commercial C-1 and C-2 development standards.

Commercial 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 Yard Building Setbacks					
Structure Front 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	
Abutting Residential Zone (up to 2 Story Height)		15 ft. min. (2)		5 ft.	
Adjacent Abutting to Residential Zone (3 Story Height)		15-20 ft. min. (2)		10 ft.	
Abutting Residential Zone (4 Story Height)		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			

- Adjusted administrative exceptions under 17.35.005(H)(5) was modified to reduce lot coverage exception from a proposed 25% to 10% since RCW/WAC exception was included.
- 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.

- 4/22/26 Planning Commission Meeting

- Instead of switching to a full Hearing Examiner System, Millwood will keep the current hybrid review system with refinements for process and prepare a development regulations layout that is easily converted to a full Hearing Examiner System in the future.
- It was determined that the requirement for certification by the Washington State Beekeeper's Association (<https://wasba.org/education/introduction/>) for Hobby Beekeeping under Agriculture (Urban), could be any of the certification levels with Beginning Beekeeper identified for hobby beekeeping per the WASBA.
- In UR-1, UR-2, and UR-3, under "Cottage Housing", **change typo of quality to qualify**
e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
- **Add height reference in feet to accompany stories in Commercial and Industrial. Also added shoreline open space reference to I-2 and corrected CUP option for increased height in I-2.**

17.20.010 Commercial-C-1 and C-2 development standards.

~~Commercial development~~ 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 Yard <u>Building</u> Setbacks					
Structure <u>Front Setback</u>	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. <u>15 ft.</u>	
Side Yard Setback		5 ft. min.		N/A-0 ft.	
Flanking Street		15 ft. min.		N/A-0 ft.	
<u>Abutting Residential Zone (up to 2 Story Height / 30 ft.)</u>		<u>15 ft. min. (2)</u>		<u>5 ft.</u>	
Adjacent-Abutting to <u>Residential Zone (3 Story Height / 35 ft.)</u>		15-20 ft. min. (2)		<u>10 ft.</u>	
<u>Abutting Residential Zone (4 Story Height / 48 ft.)</u>		<u>25 ft. min. (2)</u>		<u>15 ft.</u>	
<u>Maximum Total Lot Coverage (3)</u>		<u>Mixed use (4)</u>	<u>Commercial Only</u>	<u>Mixed use (4) Total Lot Coverage</u>	<u>Commercial Only Total Lot Coverage (1)</u>
<u>Site Coverage including impervious surfaces</u>		<u>85%</u>	75 <u>70</u> %	85%	70%
<u>Building Height (5)(7)</u>		<u>up to 3 stories / 35 ft. max (36)</u>		<u>up to 3 stories / 35 ft. max (26)</u>	
<u>Building Height - Trent Frontage (5)(7)</u>		<u>45-up to 4 stories / 48 ft. max (4)(5)</u>			
<u>Adjacent to Residential—no intervening street or alley</u>		<u>Residential zone standards apply</u>			

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 25 ft. and 15 ft. for all parking areas, signage, and storage area (Empire Ave. is front)
	Rear	25 ft.	25 ft.
	Side	5 ft. (4)	5 ft.
	Abutting Residential Zone (up to 2 Story Height / 30 ft.)	15 ft. min. (1)	15 ft. min. (1)
	Abutting Residential Zone (3 Story Height / 35 ft.)	20 ft. min. (1)	20 ft. min. (1)
	Abutting Residential Zone (4 Story Height / 48 ft.)	25 ft. min. (1)	25 ft. min. (1)
	Flanking Street	15 ft.	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)
Maximum Building Coverage & Open Space		75% 25% of the site shall be left as open space free from structures and other impervious surfaces.	N/A 75% 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)
Building Height (2) (3)		45-48 ft. , shall not exceed four stories in height (1)	45-48 ft. , shall not exceed four stories in height (1) (4)
(1) N/A when a street or alley separates the parcels. (2) Building height shall be measured from average grade level to the highest point of the structure. (3) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s). (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			

- In the C-2 Zone, change Millwood incorporation date from 1928 to 1927* with a footnote added from Commissioner Beese.

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.

- Under Chapter 17.28 REGULATIONS APPLICABLE TO ALL COMMERCIAL DISTRICTS, 17.28.010 Site improvements, **added clarification language and corrected word order in subsection (E)(1).**

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.**

- In the P-1 Zone under 17.36.030, **changed shall to should for employee parking location under subsection (G).**

G. All employees ~~shall~~**should** park on the parcel with the commercial or public use.

- Title 17 Appendix A Definitions - **added additional development regulations Title references, definition for livestock to match livestock unit in UR-1, and definition for bicycle stall.**

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.

"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).

"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.

- Chapter_17.06__TABLE_OF_PERMITTED_USES (2-19-26 & 3-23-26 w/ modifications), Chapter_17.08-Chapter_17.18_RESIDENTIAL (2-19-26 & 3-23-26 w/ modifications), and Chapter_17.20-Chapter 17.36_COMMERCIAL-INDUSTRIAL-PUBLIC (2-19-26 & 3-23-26 w/ modifications) review is complete.

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Chapter_15.04-15.16-15.20_CONSTRUCTION (4-15-26)
- **4/29/26 Planning Commission Meeting**
 - Added (30 ft.) to 2 story reference for Flanking Street in I-2 *(included in table above)*
 - Added fowl and rabbits to livestock definition exclusions *(included in definition above)*
 - Corrected Title 15 references to “his” to be “his/her/their” or “their”, as applicable throughout chapters.
 - Corrected Section 15.04.016(D) to remove repealed code and reference current code.

~~(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).

- Chapter_17.38__GENERAL_PROVISIONS (2-19-26), Chapter_17.42__WIRELESS_TELECOMMUNICATION_FACILITIES (3-23-26 w/ modifications), and Chapter_15.04-15.16-15.20_CONSTRUCTION (4-15-26 w/ modifications) review is complete.

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Title_16__SUBDIVISIONS (4-30-26)
- **5/13/26 Planning Commission Meeting**
 - In UR-1, UR-2, and UR-3, under “Cottage Housing”, updated subsection (e) to exclude CARA

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.
 - MMC 16.02.025(F), 16.04.030, & 16.12.080(A)(1) add “other pedestrians”.

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;

16.04.030

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.

16.12.090-080 Factors to be considered.

- A. The city ~~council~~ shall ~~inquire into~~ review 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
- MMC 16.04.025(I) & 16.12.025(I), ~~change “of” to “or”~~
 - g!. ~~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.~~
- MMC 16.06.010(A)(11(b), ~~remove . in middle of sentence, after roadway~~
 - 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.~~
- MMC 16.06.020(K), ~~remove “minimum” since Millwood uses bulk density standards which are maximums~~
 - K. ~~The newly created lot must meet any locally adopted minimum 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).~~
- The was concern about 16.06.010(B) showing ULS access from alleys and whether or not this would require the city to maintain an alley. Research has found that no, the city is not required to maintain an alley just because a zoning example or plat shows lot access from it. In Washington state, alley maintenance is typically the responsibility of the adjacent property owners, unless the city has formally adopted the alley into its public works maintenance program. ULS example can remain as shown.

- MMC 16.06.020(M), modified to remove appeal of ordinance language which is in WA State law and only include project approval appeal language in WA State law for clarification.

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.

- MMC 16.08 Definitions & Title 17 Appendix A Definitions, add clarification language to alley definition and ensure definitions match

"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.

"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.~~

- Abbreviated 16.12.020 to remove duplicative information contained in Title 14 and changed "his" to "their"

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.
- 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.
- MMC 16.16.020, change “he/she” to “they” and “elects” to “elect”
- 16.16.020 Notice of method.**
- The subdivider shall give written notice of the method he/she electsthey elect to carry out minimum improvements to the planning department.
- 16.16.070(M), added clarification wording
- M. The subdivider shall pay to the city of Millwood and/or applicable utility provider, two hundred fifty dollars (\$250.00) 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.
- MMC 16.20.070, modified subsections A and B to reflect current best practice examples and remove all outdated language up to next subsection.

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.

(Supp. No. 21)

Created: 2026-02-06 08:03:03 [EST]

- 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_____.

- MMC 16.24.050(A)(2), changed referenced “Concurrency section from MMC 14.12.055 to MMC.14.12.045 due to re-numbering of section in Title 14.

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.

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Title_14__LAND_USE (5-20-26)
 - Chapter_17.44__ADMINISTRATION_AND_ENFORCEMENT (5-19-26)
 - Title 17 APPENDIX_A__DEFINITIONS (Addressing 5-18-26)
- **5/27/26 Planning Commission Meeting**
 -

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).

- 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

- 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:

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:
 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)

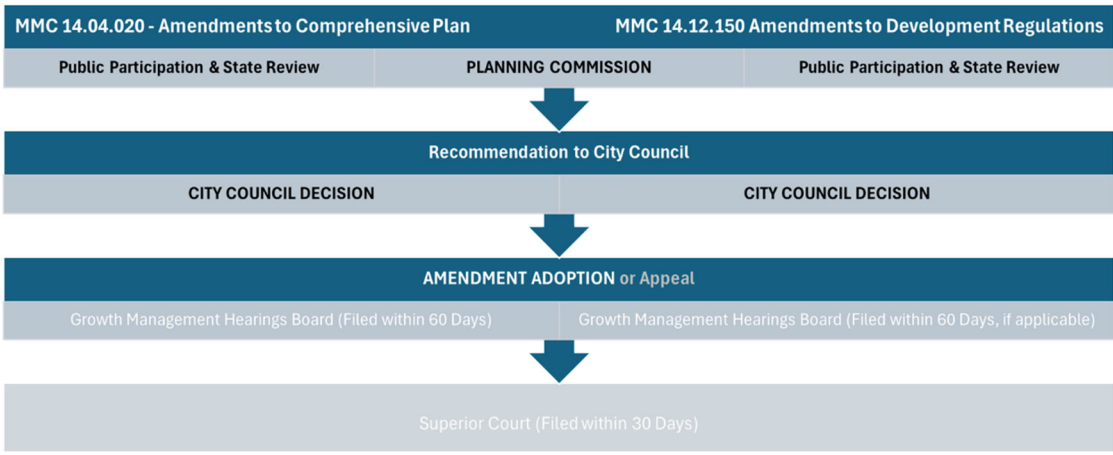
<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi-Judicial)</u>	<u>Type IV (Quasi-Judicial)</u>	<u>Type V (Quasi-Judicial)</u>
<u>Administrative Lot Split</u>	<u>Commercial, Grading, Residential & other building permits (SEPA review required)</u>	<u>Conditional Use Permit</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 Conditional Use Permit</u>	<u>Development Agreements (RCW 36.70B & WAC 365-196-845)</u>	
<u>Civil construction and Grading Permits that are categorically exempt from environmental review (SEPA) or for which environmental review has already been completed</u>	<u>Preliminary Short Subdivision (Preliminary Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>	<u>Shoreline Variance</u>	<u>Preliminary Subdivision (Preliminary Plat) / Unit Lot Subdivision (10 or more lots)</u>	
<u>Final Binding Site Plan / Record of Survey (ROS) Lot Finalization</u>	<u>Shoreline Substantial Development Permit (SDP)</u>	<u>Variance</u>		
<u>Final Short Subdivision (Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>				
<u>Site Plan Review *</u>				
<u>Temporary Use Permits</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 application for modification within twenty-one (21) days) from complete application submittal.

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

	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>

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

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):

	<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>Project permits NOT requiring public notice</u>	<u>65 Days*</u>				
<u>Project permits requiring public notice</u>		<u>100 Days*</u>			
<u>Project permits requiring public notice and a public hearing</u>			<u>170 Days*</u>	<u>170 Days*/**</u>	<u>170 Days*</u>

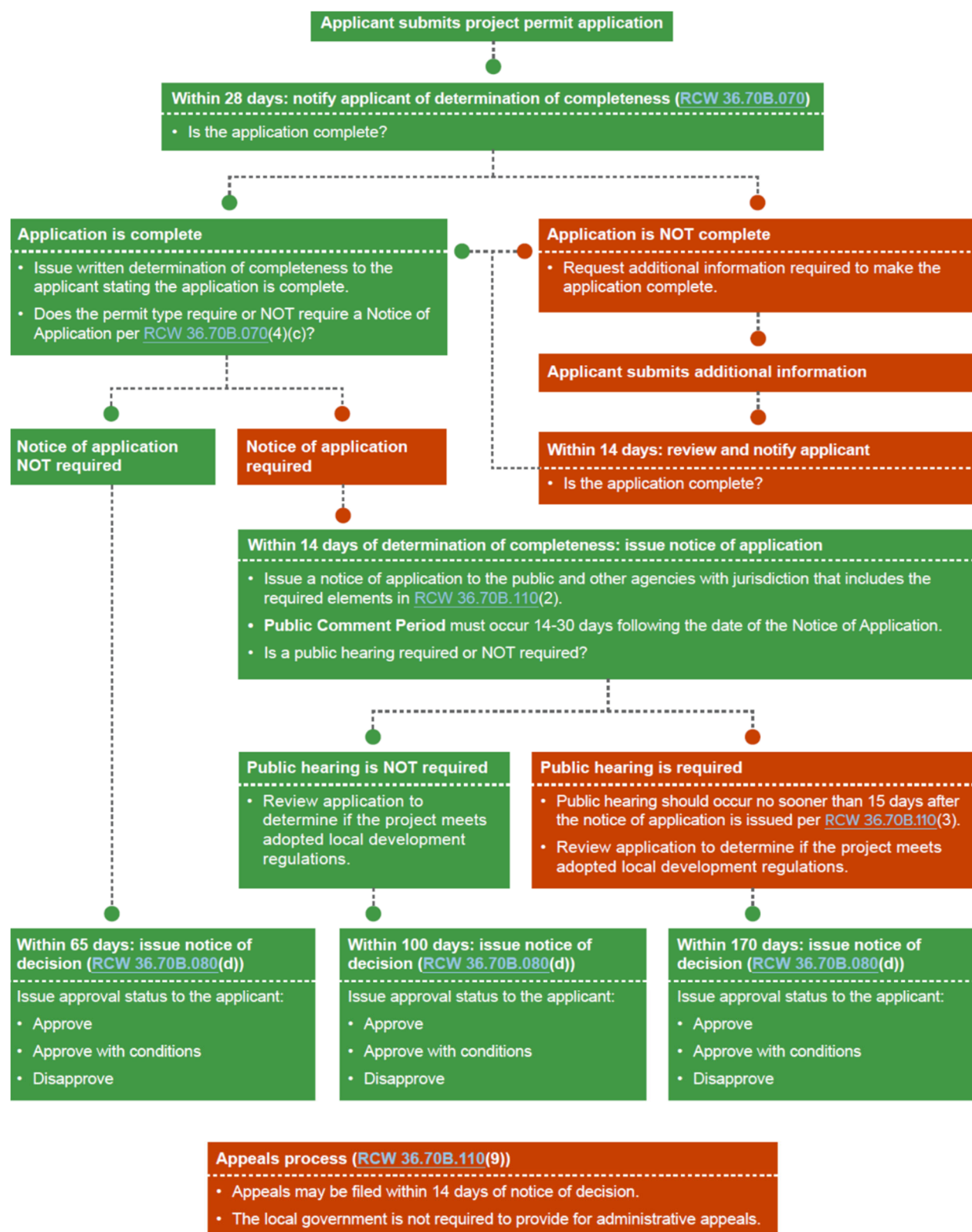
The number of days an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued on the project permit application based on calendar days.

* 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:
 - o 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
 - o 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:



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.

- 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:

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.

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 is 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 for in subdivisions 1 and 2 of this subsection. Examples of reasonable methods to inform the public are each applicable permit type:

<u>Notice Provisions</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>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.~~

- 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

	<u>Open-Record</u>	<u>Closed-Record</u>
<u>Pre-Decision</u>	<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>
<u>Post-Decision</u>	<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;~~

- ~~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~~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.~~
- ~~B.C.~~ 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:

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:

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:

- 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.
- ~~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 for 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 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:

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 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, 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.
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.

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.
7. 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.
8. 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.
9. 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.
10. Fractional addresses shall not be used (e.g., no "101 1/2 E. Main Ave.").
11. Address numbers shall not contain any nonnumeric characters (e.g., no "118a").
12. 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.

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).
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).
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. 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 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, 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

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~~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, Aa 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
- 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.

(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.

EF. 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 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 may also commence investigation on its own initiative when it has reason to believe that a violation has occurred.
 - a. The planning director 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 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) 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
 - 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.
- 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)

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.

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APPENDIX A DEFINITIONS (DRAFT 5/18/26)

"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



Amanda Tainio, Principal

May 4, 2026

Memo To: Millwood City Council

RE: April 2026 Planning Report

Here is a summary of the planning activities for the month of April 2026:

- Permit/license/land use application review and processing:
 - 9013 E. Frederick - Review/Approve Mezzanine Addition
 - 3216 N. Hutchinson - Business License Review for home business permit application requirement
 - 8605 E. South Riverway (SDPE-2026-01) - Shoreline Tree Removal & Pruning Review
 - 3608 N. Dale (SDPE-2026-02 / MW-2026-0015) - Shoreline Retaining Wall Review / Approval
 - 8921 E. Euclid (MW-2025-0011) - Mixed-Use Building v3 Coordination
 - Misc. zoning reviews / information / other jurisdiction SEPA reviews / staff assistance
- 2026 OFM Housing Unit & Population Survey
- Planning Commission training for new Commissioner Karina Chernioglo
- 2026 Periodic Update
 - Planning Update Grant (PUG) Amendment
 - Financial / regulatory incentives for housing research
 - Millwood Municipal Code proposed modifications
 - Community / agency engagement & webpage updates
 - 4/1/26 Planning Technical Advisory Committee (PTAC) - City Representative Meeting
 - 4/10/26 Meeting w/ Planning Commissioner Beese for MMC modifications
 - 4/15/26 Planning Technical Advisory Committee (PTAC) Meeting - City Representative Meeting
 - 4/29/26 Steering Committee of Elected Officials (SCEO) Meeting
 - 4/22/26 Special Planning Commission Meeting - Periodic Update Development Regulations Review
 - Review Requested Modifications and Research (from 3/31/26 meeting)
 - Review Existing vs Proposed Review Processes Presentation
 - Ch. 17.06, Table of Permitted Uses (3/23/26)
 - Ch. 17.08 to 17.18, Residential Zones (3/23/26)



Amanda Tainio, Principal

- Ch. 17.20 to 17.36, Commercial Industrial Public Zones (3/23/26)
- Ch. 17.38, General Provisions (2/19/26)
- Title 17 Appendix A, Definitions (2/19/26)
- Ch. 17.42, Wireless Communication Facilities (3/23/26) - added due to Table of Permitted Uses update for C-2 antennas)
- 4/29/26 Planning Commission Meeting - Periodic Update Development Regulations Review
 - Review Requested Modifications (from 4/22/26 meeting)
 - Ch. 17.38, General Provisions (2/19/26)
 - Title 17 Appendix A, Definitions (2/19/26)
 - Ch. 17.42, Wireless Communication Facilities (3/23/26) - added due to Table of Permitted Uses update for C-2 antennas)
 - Title 15, Construction (4/15/26)
- 5/13/26 Special Planning Commission Meeting Notice

With best regards,

Amanda Tainio
Millwood Contract City Planner
planner@millwoodwa.us