



Planning Commission Regular Meeting Agenda

Wednesday, February 25, 2026 at 6:00 PM

9103 E Frederick Ave.

www.youtube.com/@cityofmillwood

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 Ch. 17.04 \(2/19/26\)](#)
b. [Periodic Update - Review Ch. 17.06, Table of Permitted Uses \(2/19/26\)](#)
c. [Periodic Update - Review Ch. 17.08 to 17.18, Residential Zones \(2/19/26\)](#)
d. [Periodic Update - Review Ch. 17.20 to 17.36, Commercial Industrial Public Zones \(2/19/26\)](#)
e. [Periodic Update - Review Ch. 17.38, General Provisions \(2/19/26\)](#)
f. [Periodic Update - Review Ch. 17.48, Essential Public Facilities \(2/19/26\)](#)
g. [Periodic Update - Review Title 17 Appendix A, Definitions \(2/19/26\)](#)
h. [Periodic Update - Review Ch. 18.08, Critical Areas \(12/31/25\)](#)

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 January 2026](#)

7. COMMISSIONER COMMENTS

8. SET NEXT MEETING - March 25, 2026 at 6:00pm

- a. Anticipated Agenda Items:

Periodic Update - Review Draft Development Regulations Update

9. ADJOURNMENT



Planning Commission Regular Meeting Minutes

Wednesday, January 28, 2026 at 6:00 PM

9103 E Frederick Ave.

www.youtube.com/@cityofmillwood

1. CALL TO ORDER & ROLL CALL

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

PRESENT

Commissioner Mike Ankney

Commissioner Jay Molitor

Commissioner Bill Rickard

2. APPROVAL OF MEETING AGENDA

Motion was made by Commissioner Rickard, Seconded by Commissioner Molitor.

Voting Yea: Commissioner Ankney, Commissioner Molitor, Commissioner Rickard.

3. APPROVAL OF MINUTES

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

Motion made by Commissioner Rickard to approve all three sets of minutes, Seconded by Commissioner Molitor.

Voting Yea: Commissioner Ankney, Commissioner Molitor, Commissioner Rickard.

4. ACTION ITEMS

a. Planning Commissioner Appointments Discussion w/ Mayor Beese

Commissioner Ankney introduced Mayor Beese and expressed honor, Chairman Ankney noted his 10 plus years' service on Planning Commission without prior mayor attendance. Mayor Beese and Chairman Ankney committed to quarterly or semi-annual mutual meeting attendance.

Mayor Beese discussed vacancy of Ms. Savannah Wu resulted from her moving and failing the residency requirement, Ms. Wu is no longer a commissioner and cannot be retained unless reappointed and meeting residency rules. Mayor Beese explained Ordinance currently states commissioners 'may or may not' be residents, legal counsel advised clarifying to require residency but cautioned against adding multiple qualifiers, overall Ordinance change would not retroactively restore Ms. Wu.

Mayor Beese committed to create a tracking chart with 90 days advance notice for term expirations. Mayor Beese discussed moving forward filling open vacancy per mayor appointment. Chairman Ankney requested participation in final candidate interview process for Planning Commission vacancy if multiple applicants apply. Mayor Beese agreed to update Chairman Ankney and explorer how to move forward.

Commissioner Molitor requested clarification on identifying possibility of serving on Planning Commission. Mayor Beese explained traditional process starting with announcement,

receiving applications routed to the mayor, along with announcing to multiple channels including mayor newsletter, community groups and neighborhood advocates.

Mayor Beese discussed second vacancy and expiration of Commissioner's Bobbie Beese term on December 31, 2025, due to familial relationship to Commissioner Beese, Mayor Beese approached situation with caution emphasizing importance of public transparency. Mayor Beese discussed coordinating appointment recommendation per Planning Commission advisement.

Chairman Ankney addressed Ms. Bobbie Beese asking if she would like to continue serving on the Planning Commission. Ms. Bobbie Beese expressed interest in continuing to serve and continue significant projects that she would like to see through to completion.

Chairman Ankney expressed the Commission's strong recommendation of Ms. Bobbie Beese to retain her seat on the Council and requested the Mayor to present to City Council. Mayor Beese thanked Chairman Ankney and Commissioners. Mayor Beese reiterated Council Member Stravens strong endorsement on retaining Ms. Bobbie Beese.

b. Periodic Update - Public Hearing on Draft Comprehensive Plan Part 2

Ms. Tainio discussed Part Two comprised of the Climate Element with one small addition to the Housing Element required after the Growth Management Hearing Board case for Mercer Island. Ms. Tainio reviewed through commerce, and it meets all requirements. Ms. Tainio introduced Graham Zickefoose to present climate element.

Chairman Ankney opened the Public Hearing at 6:12 pm.

Ms. Tainio explained the addition to the housing element required based on the Growth Management Hearings case out of Mercer Island, which Congress has signed off on. Ms. Tainio reintroduced Mr. Zickefoose with Spokane County Planning.

Mr. Zickefoose presented on the climate element of Millwood's comprehensive plan update detailing requested changes implemented in current draft. Mr. Zickefoose introduced Ms. Catherine who explained the draft goals and policies remain unchanged since October, 2025, due to no further comments or feedback.

Commissioner Molitor request text color changed on Page 22 from green and red updated to more visible color. Chairman Ankney agreed.

Ms. Tainio explained DNR requested reference to current hazard mitigation plan. Ms. Tainio discussed Policy 56 references Spokane County Emergency Management Comprehensive Emergency Management Plan March 2021. Ms. Tainio explained Policy 61 requires integration and cross-referencing of climate, hazard mitigation, emergency and land-use planning.

Chairman Ankney requested Ms. Tainio consider text color in the future. Ms. Tainio noted Chairman Ankney's request.

Chairman Ankney asked if Planning Commission had questions for Ms. Catherine with Spokane County, no questions were made.

Ms. Tainio presented as the applicant for the City of Millwood. Ms. Tainio discussed required language based on Mercer Island case using Commerce rationale to estimate Millwood's shortage for affordable housing. Ms. Tainio discussed average of three new units needed per year to meet Millwood's allocated needs. Commissioner Molitor questioned cost per unit for affordable housing seeming unrealistic. Ms. Tainio explained average cost per unit information was supplied by Spokane County.

Ms. Tainio discussed staff report detailing comprehensive plan part one and two are internally consistent, GMA requirements and development regulations will need to be updated for

consistency. Ms. Tainio explained four draft recommendation options for the Planning Commission to choose to move forward.

Chairman Ankney opened floor to public to testify. No comments made.

Chairman Ankney inquired Ms. Bobbie Beese whether she had any comments to add. Ms. Bobbie Beese explained she had review materials with no significant issues to be reported, with corrections made previously. Chairman Ankney thanked Ms. Bobbie Beese for comments.

Chairman Ankney Closed Public testimony at 6:25 pm.

Motion made by Commissioner Molitor to approve Option 1, Seconded by Commissioner Rickard.

Voting Yea: Commissioner Ankney, Commissioner Molitor, Commission Rickard.

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.

No remarks made.

6. CITY PLANNER REPORT

a. City Planning Report for December 2025

Ms. Tainio presented her December 2025 Planning Report.

Ms. Tainio reported February and March are anticipated dates for public hearings with City Council, with plans for a public workshop for the May meeting.

Chairman Ankney requested discussion of rescheduling November and December 2026 meetings, Ms. Tainio agreed on further discussion of schedule.

Chairman Ankney stated appreciation for Ms. Tainio's work.

7. COMMISSIONER COMMENTS

Chairman Ankney shared insights on his position with Spokane Regional Transportation Commission regarding future Sullivan-Trent interchange project and anticipates largest traffic impact on Argonne. Chairman Ankney emphasized importance of communication and collaboration between local authorities.

Chairman Ankney and Commissioners congratulated Ms. Roderick on running her first meeting without guidance of Ms. Cassel.

8. SET NEXT MEETING – February 25, 2026 at 6:00pm

a. Anticipated Agenda Items:

- Periodic Update - Review/discuss Draft Development Regulations Updates (including CAO)

9. ADJOURNMENT

Motion made by Commissioner Rickard, Seconded by Commissioner Molitor to adjourn the Planning Commission Regular Meeting at 6:33 pm.

Voting Yea: Commissioner Ankney, Commissioner Molitor, Commissioner Rickard.

Approved:

Attest:

Michael Ankney, Planning Commission Chair

City Clerk

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

17.04.010 Title.

This title shall be known as the "Zoning and Development Code of the City of Millwood."
(Ord. No. 527, § 1, 6-14-2022)

17.04.020 Use zones.

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

- UR-1 Residential zone—Low Density Residential~~District~~
- UR-2 Residential zone—Medium Density Residential~~District~~
- UR-3 Residential zone—High Density Residential~~District~~
- C-1 General Commercial-commercial zone—~~Regional Commercial District~~
- C-2 Low-intensity commercial / mixed use zone—~~Central Business District~~
- I-1 Light industrial zone—~~Light Industrial District~~
- I-2 Manufacturing / industrial zone - Paper mill alternative zone
- ~~PR~~-1 Public reserve zone

(Ord. No. 527, § 1, 6-14-2022)

17.04.030 Zoning map.

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

(Ord. No. 527, § 1, 6-14-2022)

17.040.35 Adoption by reference.

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

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

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

17.04.050 Boundaries and ~~districts~~zones.

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

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.06 TABLE OF PERMITTED USES

17.06.010 Permitted uses.

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

P = Permitted Use

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

TUP = Temporary Use Permit

CUP = Conditional Use Permit

A = Accessory Use

X = Prohibited Use

Table 17-1

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

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

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

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

Created: 2025-07-02 12:00:12 [EST]

(Supp. No. 21, Update 2)

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR</u>	<u>USE REGULATIONS</u>
Marijuana Processing	X	X	X	X	X	P	X	
Marijuana Producing	X	X	X	X	X	P	X	
Marijuana Retailer	X	X	X	P	X	P	X	
Medical & Dental Clinic	X	X	X	P	P	P	X	
Mini-Storage/General storage	X	X	X	X	X	P	X	
Museums, Libraries & other public buildings	CUP	CUP	CUP	P	P	X	P	<u>17.10.040 (UR-1), 17.12.030 (UR-2), 17.14.030 (UR-3), & CUP 17.44.070 - 130</u>
<u>Neighborhood Commercial</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>17.10.050 (UR-1), 17.12.040 (UR-2), 17.14.040 (UR-3), & CUP 17.44.070 - 130</u>
Outdoor Amusement Facility	X	X	X	P	P	P	X	
Outdoor Business Activities	X	X	X	<u>€S</u>	<u>€S</u>	<u>€S</u>	X	17.26. <u>010</u> (C)
Park	CUP	CUP	CUP	CUP	CUP	P	P	<u>CUP 17.44.070 - 130</u>
Park and Ride Facility	X	X	X	X	X	P	X	
Police or Fire Stations	P	P	P	P	P	P	P	
Post Office	X	X	X	P	P	P	X	
Professional Schools including vocational & trade	X	X	X	P	X	P	X	
Public Pay Parking Garage or Lot	X	X	X	X	X	P	X	
Public Utilities	P	P	P	P	P	P	P	
Public Utility Local Distribution Facility	X	X	X	X	X	P	CUP	<u>CUP 17.44.070 - 130</u>
Recycle Collection Center	X	X	X	X	X	P	X	
Residential								
<u>Accessory Dwelling Units (ADU)</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (A)
<u>Manufactured Home</u>	<u>€S</u>	<u>€S</u>	<u>€S</u>	<u>€X</u>	X	X	X	17.16. <u>010</u> (C)
Single Family	P	P	P	<u>€X</u>	X	X	X	<u>Only on lots without a commercial use</u>

<u>USE</u>	<u>UR-1</u>	<u>UR-2</u>	<u>UR-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>PR</u>	<u>USE REGULATIONS</u>
<u>Cottage Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Courtyard Apartments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Duplex	<u>P</u>	<u>P</u>	<u>P</u>	<u>CS</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Fourplex</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Fiveplex</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Townhouses</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C-1 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Multi-Family	<u>CUP</u>	<u>X</u>	<u>P</u>	<u>CS</u>	<u>XS</u>	<u>X</u>	<u>X</u>	<u>17.10.030 (UR-1), C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Co-Living Housing</u>	<u>CUP</u>	<u>X</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>17.10.030 (UR-1), C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
<u>Senior Independent Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>

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

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	PR	<u>USE REGULATIONS</u>
Wholesale Sales & Services	C-S	C-S	C-S	P	X	P	X	Must comply with 17.16.010(D) Home Business
Woodworking & Cabinet Building	X	X	X	X	X	P	X	

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

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

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

17.08.005 [Purpose.]

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

(Ord. No. 527, § 1, 6-14-2022)

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

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

Table 17-2

		UR-1	UR-2	UR-3
Minimum Lot Area <u>(1)</u>		10,000 <u>N/A</u>	5,000 <u>N/A</u>	5,000 <u>N/A</u>
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Front Lot Line Width		<u>50 ft.</u>	<u>40 ft.</u>	<u>30 ft.</u>
Lot Frontage (Width)	Single-Family	<u>80 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
	Duplex	<u>80 ft.</u>	<u>70 ft.</u>	<u>70 ft.</u>
	Multi-Family	<u>—</u>	<u>—</u>	<u>85 ft.</u>
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width		
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 <u>(2)</u>	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage <u>(3)</u>		40%	40%	40%
Maximum Total Lot Coverage <u>(4)</u>		60%	60%	60%
Building Height <u>(5) (6) (7)</u>		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
Building Height <u>(2) (4)</u>	Single-Family & Duplex	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
	Accessory Bldg. <u>(3) (5)</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>(1) Lot area is N/A due to adopted Bulk Density Standards in Millwood Comprehensive Plan (a minimum of two middle housing units per lot are permitted) and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes. Per RCW 36.70A.535(7) the city may not treat a sleeping unit in co-living housing as more than one quarter of a dwelling unit for the purposes of calculating dwelling unit density, as long as all other development regulations are met.</u>				

(2) Accessory Buildings shall not be located closer than 25 feet to the front of the lot, consistent with front setbacks for principal units. 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 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

(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. Maximum wall height not to exceed 16 feet

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

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

(4) No structure shall exceed 2 stories in height

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

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.10 UR-1 URBAN RESIDENTIAL ZONE LOW DENSITY RESIDENTIAL

17.10.005 [Purpose.]

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

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

(Ord. No. 527, § 1, 6-14-2022)

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

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

- A. An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:
- A1. Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;
 - 2B. Up to twenty-five (25) female fowl 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. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties will not be permitted on less than one-half acre. If a use is classified as a nuisance then it shall be discontinued.

(Ord. No. 527, § 1, 6-14-2022)

17.10.020 Design Standards.

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

b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.

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

F. Courtyard apartments.

1. Yard or court.

a. At least one yard or court is required.

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

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

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

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

(Ord. No. 527, § 1, 6-14-2022)

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

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

(Ord. No. 527, § 1, 6-14-2022)

17.10.040 Libraries, churches, art galleries, schools.

- A. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage, Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit issued by the city council after public hearing before the city planning commission and in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

17.10.050 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian

oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;

- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.10.050-060 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-1 zone shall be:
 1. For lots with less than ten thousand (10,000) square feet in area, one thousand two hundred (1,200) square feet;
 2. For lots with ten thousand (10,000) square feet or more but less than ½ acre in area, one thousand five hundred (1,500) square feet;
 3. For lots ½ acre or more in area, one thousand eight hundred (1,800) square feet.
 4. Accessory buildings in the UR-1 larger than the maximum areas defined in this subsection may be allowed by conditional use permit ~~issued by the city council after public hearing before the city planning commission and~~ in accordance with standards regulating the issuance of conditional use permits as specified in this Code, provided that in no case shall any accessory building be larger than two thousand four hundred (2,400) square feet. ~~In granting such a permit, the city council shall make the findings set forth in 17.44.110.~~
- B. Maximum size restrictions do not apply to detached ADUs.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.12 UR-2 URBAN RESIDENTIAL ZONE MEDIUM DENSITY RESIDENTIAL

17.12.005 [General.]

The UR-2 Medium Density Residential ~~district zone~~ is intended to provide for primarily single-family homes while allowing opportunities for infill development through other small-scale housing forms that are compatible in

~~scale and form with single-family houses, provides for typical suburban neighborhood development limited to primarily single-family and duplex dwellings~~ in neighborhoods characterized by low traffic volumes, abundant trees and other landscaping features, ~~and with~~ easy access to parks and other recreational opportunities.

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

(Ord. No. 527, § 1, 6-14-2022)

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

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

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B. The keeping of up to four female fowl or four rabbits is allowed.
- 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. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties shall not be permitted. If a use is classified as a nuisance then it shall be discontinued.

(Ord. No. 527, § 1, 6-14-2022)

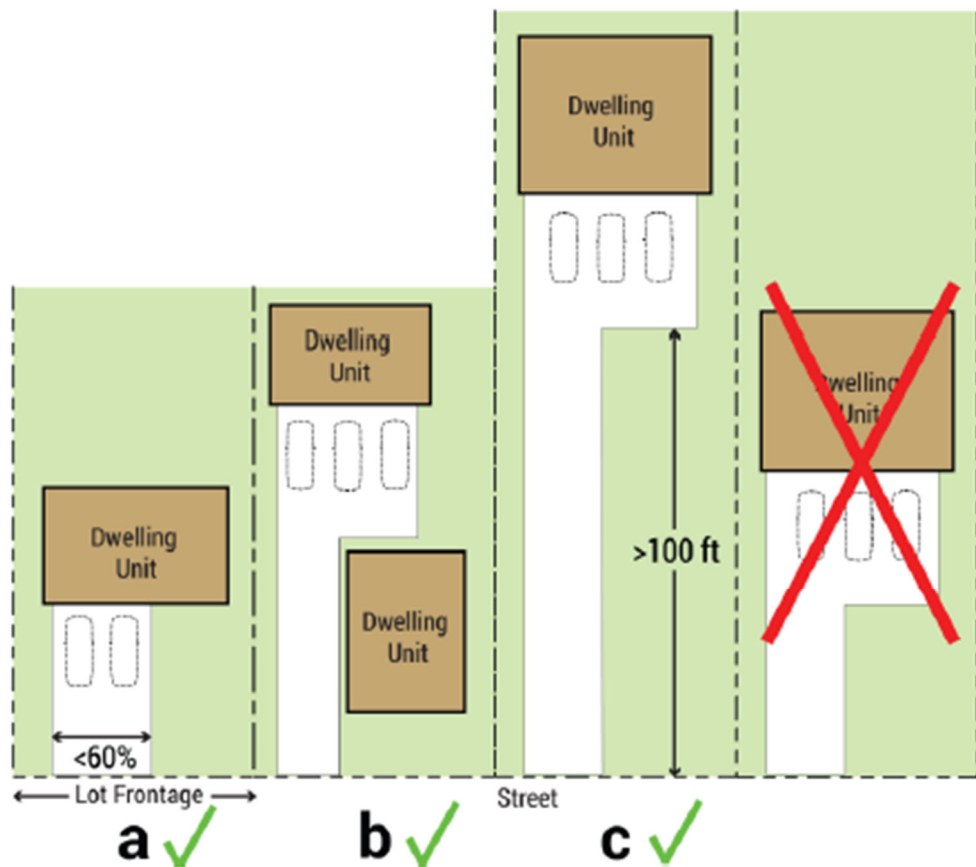
17.12.020 Design.

- A. ~~Entries. In the UR-2 zone, structures-Buildings~~ must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.
- B. ~~At least~~ forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. ~~Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.~~
- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.

D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

E. Vehicle access, carports, garages, and driveways.

1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:
 - a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.
3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets, as applicable.
4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

1. Yard or court.
 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
 - c. The yard or court shall be a minimum dimension of 15 feet on any side.
 - d. Parking areas and vehicular areas do not qualify as a yard or court.
2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District shall utilize 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 homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.12.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.12.040 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;
- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.12.030-050 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-2 zone shall be one thousand two hundred (1,200) square feet.
- B. ~~Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.~~

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.14 UR-3 URBAN RESIDENTIAL ZONE HIGH DENSITY RESIDENTIAL

17.14.005. [Purpose.]

The UR-3 High Density Residential ~~district-zone~~ is intended as a buffer between the areas of the city zoned for low density residential and the busiest commercial areas throughout the city. Areas zoned UR-3 offer the highest density residential uses on the smallest lots located on or close to major arterials and providing easy access to public services and transit.

For uses permitted in the UR-3 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

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

A. In the UR-3 zone, animal requirements are as follows:

- A1. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B. The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.
- 3C. 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. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties shall not be permitted. If a use is classified as a nuisance then it shall be discontinued.

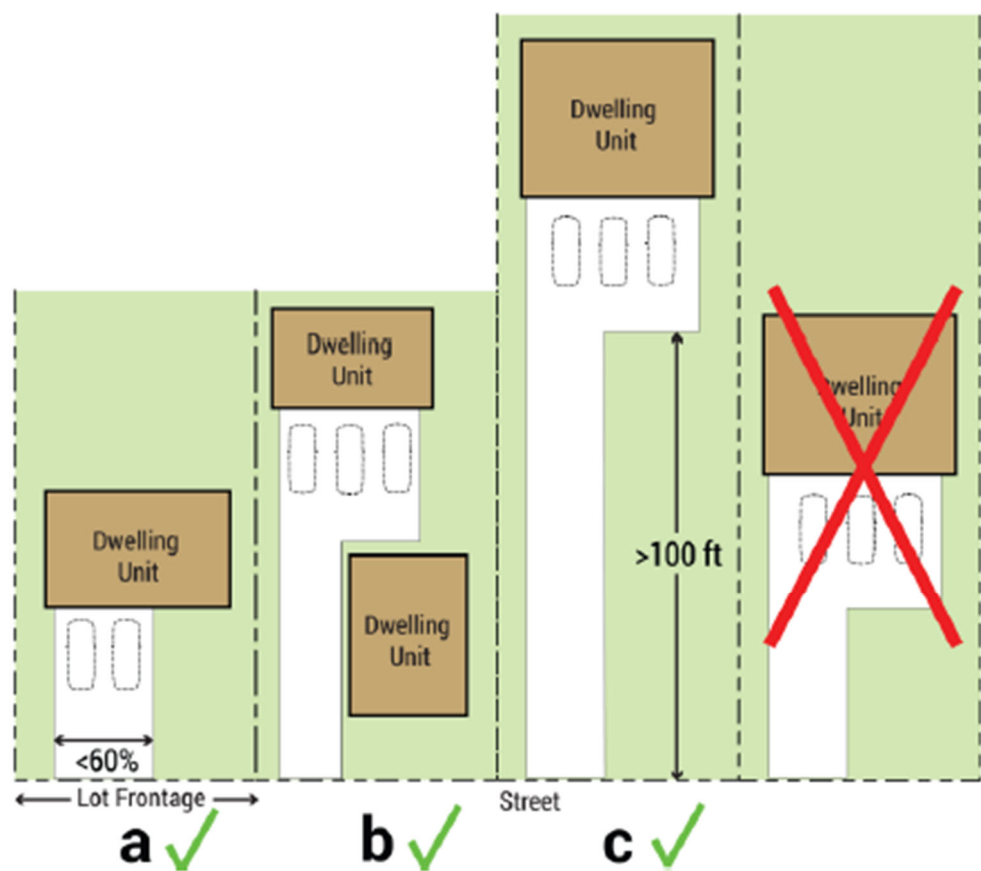
(Ord. No. 527, § 1, 6-14-2022)

17.14.020 Design.

A. ~~Entries. In the UR-3 zone, structures-Buildings~~ must have primary entrances facing the improved public street used as street frontage or the front lot line, as applicable.

B. At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable, shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage and/or the front lot line, as applicable. Buildings separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.

- C. Buildings shall maintain the architectural design, style, and appearance of a single-family residence using matching or complementary materials, colors, window styles, and roof design, as applicable. Refer to Millwood Comprehensive Plan Table 5-1: Zoning Categories for scale and form examples within Millwood zones and Figure 5-3: Example Middle Housing Images for scale and form examples specific to middle housing.
- D. Pedestrian access. A hard surfaced or compacted gravel pedestrian connection at least three feet wide is required between each building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.
- E. Vehicle access, carports, garages, and driveways.
1. Garages, carports, driveways, and off-street parking areas shall not be located between a building and a public street, except when any of the following conditions are met:
- a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.



2. All detached garages and carports shall not protrude beyond the front building façade.

3. Refer to Millwood Public Works requirements for driveway separation and limited access from collector streets and arterial streets.
4. For lots abutting an improved alley that meets the city's standard for width, vehicular access may be taken from the alley.

F. Cottage housing.

1. Open space. Open space shall be provided equal to a minimum 20 percent of the lot size (individual unit lots). This may include common open space, private open space, setbacks, critical areas, and other open space. The parent lot must comply with MMC Chapter 17.08 and includes the individual unit lot open space in the percentage.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.
 - c. Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.
 - d. Parking areas and vehicular areas shall not qualify as common open space.
 - e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
3. Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.
4. Community building.
 - a. A cottage housing development shall contain no more than one community building.
 - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
 - c. A community building shall have no minimum off-street parking requirement.

G. Courtyard apartments.

1. Yard or court.
 - a. At least one yard or court is required.
 - b. The yard or court shall be bordered by attached dwelling units on two or three sides.
 - c. The yard or court shall be a minimum dimension of 15 feet on any side.
 - d. Parking areas and vehicular areas do not qualify as a yard or court.
2. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or yard or court.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District shall utilize 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 homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.14.030 Libraries, churches, art galleries, schools.

- A. Libraries, churches (provided they are tax-exempt), art galleries, and schools for grades preschool through 12th grade, other than trade or industrial schools, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- B. On property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.
- C. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

17.14.040 Neighborhood Commercial

- A. Low-impact, small scale, neighborhood serving businesses that serve the daily needs of nearby residents and integrate into the residential neighborhood with street frontage and a pedestrian oriented design, may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code;
- B. Business size is limited to a footprint of up to 4,000 square feet;
- C. Hours of operation are limited to between the hours of eight a.m. and nine p.m.;
- D. There are no minimum parking requirements; however, if parking is provided, it must be located to the side or rear of the lot, and is not permitted between the building and the street in order to encourage a pedestrian orientation;
- E. Streetscapes shall have street trees and sidewalks;
- F. One unlighted sign up to six (6) square feet may be permitted with approval of a sign permit;
- G. Trash/recycling areas must be fully screened or located inside the building;
- H. All storage of materials or equipment to be used in conjunction with the business shall be enclosed within the building or within an accessory structure located to the side or rear of the lot;
- I. Residential may be permitted above the ground floor;
- J. Drive-thru facilities are not permitted; and
- K. Seasonal outdoor seating is encouraged.

17.14.030-050 Accessory buildings. REVIEW FOR ISSUE WITH MULTIPLE ACCESSORY BUILDINGS DUE TO SIZE LIMITATIONS - 5' SEPARATION BETWEEN BUILDINGS HAS BEEN ADDED TO SETBACK

- A. The maximum size of any accessory building in the UR-3 zone shall be one thousand two hundred (1,200) square feet.

- B. ~~Maximum size restrictions do not apply to detached ADUs. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.~~

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

- A. ~~The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.~~
- B. ~~There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.~~
- C. ~~The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.~~
- D. ~~A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.~~
- E. ~~Also see MMC 17.18.050 for specific setback and height exceptions.~~

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.16 SUPPLEMENTARY USE REGULATIONS IN RESIDENTIAL ZONES

17.16.010 Supplementary use regulations.

Where permitted pursuant to Table 17-1, the following conditions shall apply:

- A. Accessory dwelling units (ADU's), ~~consistent with RCW 36.70A.681~~
1. ~~Owner occupancy is not required for the principal unit or an ADU, unless the ADU is used for short term rentals consistent with RCW 36.70A.680(5)(a). Per RCW 36.70A.696(9), an owner is any person who has at least 50% ownership in a property on which an ADU is located.~~
~~The legal owner of the parcel must reside in the ADU, or the principal structure as evidenced by the property being the legal residence of the owner. The owner must reside in the ADU or the principal structure for more than six months each year.~~
 2. ~~ADUs shall be permitted in the following configurations and conditions:~~
 - a. ~~Two attached ADUs such as unit in a basement, attic, or garage; or~~
 - b. ~~One attached ADU and one detached ADU; or~~
 - c. ~~Two detached ADUs, which may be comprised of either one or two detached structures.~~
~~ADU may be added to, included or attached to the principal structure or be a detached structure but shall only be allowed on parcels with single family residential units,~~
 3. A bed and breakfast establishment and an ADU shall not be permitted on the same parcel,

4. An existing structure, such as a detached garage shall be allowed to be converted into an ADU, A home business and an ADU shall not be permitted on the same parcel;
 5. ADUs shall be addressed according to MMC Section 17.44.055, Millwood Addressing Standards. The ADU address shall be the primary structure address with the addition of one-half.
 6. Up to two (2) ADUs are permitted on all lots that meet the minimum lot size in zones that allow for single-family homes; Only one ADU shall be permitted per parcel;
 7. There is no minimum or maximum gross floor area requirements; however, building and lot coverage maximums must be maintained for the zone, Maximum size of the ADU is eight hundred (800) square feet but not greater than forty (40) percent of the square footage of the primary residential structure and the minimum size of the ADU shall not be less than three hundred (300) square feet.
 8. ADUs must comply with MMC 17.08.010 Residential Development Standards with requirements that are consistent with or less restrictive than those for principal units. The parcel must meet all code requirements including site coverage with the exception of the rear yard and side yard setbacks which can be reduced to five feet;
 9. The design standards for the applicable zone shall also apply to ADUs, as applicable, single family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the ADU shall be incorporated into the design of the principal dwelling unit and shall be designed to maintain the architectural design, style, appearance and character of the main building as a single family residence using matching materials, colors, window style and roof design. The primary entrance of the ADU shall be located in such a manner as to be unobtrusive when viewed from the street;
 10. ADUs may have separate ownership via Unit Lot Subdivision (ULS) and/or by condominium. The ADU, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal structure, or the land on which the principal structure is located.
 11. On lots equal to or smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits, one (1) off-street parking space per ADU is required and two (2) off-street parking spaces per ADU are required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits. Off street parking for ADUs is not required within one-half mile of a major transit stop. Maximum height of a detached ADU is fifteen (15) feet;
 12. Impact fees on the construction of accessory dwelling units, as applicable, must be less than or equal to 50 percent of the impact fees that would be imposed on the principal unit.
 13. ADUs are not allowed in locations where development is restricted under other laws, rules, or ordinances due to physical proximity to on-site sewage system infrastructure, critical areas or other unsuitable physical characteristics of a property per RCW 36.70A.680(4&5) and RCW 36.70A.681.
- B. Bed and breakfast establishments / Short term rentals (i.e. VRBO, Air BnB):
1. The legal owner of the property must reside on the property,
 2. A hotelier's license is required, and the licensee must be the property owner and reside on the property~~z~~
 3. A bed and breakfast establishment and accessory dwelling unit shall not be permitted on the parcel~~z~~
 4. The maximum number of rooms for customer stay is three,

5. Each room requires an off-street parking space which is improved with asphalt or concrete.
- C. Manufactured homes. All manufactured homes shall meet the requirements of a Millwood-approved manufactured home as defined in Appendix A and shall meet structure size, yard, site coverage, height limit, storage, and parking requirements of this chapter. In addition, such manufactured homes shall:
1. Be a new manufactured home as defined in Appendix A.
 2. Be placed on a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground be enclosed by an approved concrete product which can be either load bearing or decorative.
 3. Comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located, and
 4. Be thermally equivalent to the state energy code.
- D. Home Business. Home business engaged in by an individual or family within their residential dwellings:
1. The activity shall be incidental to the primary use of the residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as not to give any outward appearance of a business in the ordinary meaning of the term;
 2. No window display or product display outside the dwelling is made;
 3. One unlighted sign attached flush against the exterior wall of the principal structure not exceeding one square foot in area may be permitted;
 4. The subject property must be the business owner's primary place of residence and the property owner must sign the home business license application;
 5. Employment in a home business shall be limited to persons residing in the dwelling unit where the home occupation is conducted, with the exception of one non-resident employee;
 6. No more than twenty-five (25) percent of the total floor area of all structures on the lot including accessory buildings, garages and basements is used for home business;
 7. All storage of materials or equipment to be used in conjunction with the home business shall be enclosed within the residence or accessory structure;
 8. Traffic generated shall be limited to the following:
 - a. The parking of not more than two customer vehicles at any one time;
 - b. Not more than eight clients, customers, deliveries, or combination thereof, coming to the site each day;
 9. There are no more than two parking spaces for customers; these parking spaces shall not be located in the front or flanking yard;
 10. Hours of operation are limited to between the hours of eight a.m. and seven p.m.
 11. No commercially licensed vehicles are parked or stored at the site;
 12. The following are prohibited to be home businesses: ~~are prohibited in all residential zones~~;
 - a. Animal hospitals
 - b. ~~Dancing studios~~, Exercise studios
 - c. Mortuaries

- d. Private clubs
 - e. Restaurants
 - f. Stables or kennels
 - g. Automobile body shops or repair shops
 - h. Occupants involving explosives or other hazardous materials in accordance with the International Fire Code per 15.04.015(A)(4).
 - i. Taverns
 - j. Adult entertainment establishments
 - k. Adult bookstores
 - l. Massage parlors, except licensed massage therapists
 - m. Marijuana processors, marijuana producers, or marijuana retailers
13. No use is made of equipment or material which produces vibration, noise, dust, smoke, odor, electrical interference, or any other condition at levels perceptible at the property line which would be detrimental to surrounding residences.
14. A Millwood home business license is required;
15. Activities exempt from home business regulations in this chapter include:
- a. Temporary sales stands with nominal sales such as children's lemonade stands;
 - b. Garage sales, not more than one in any three-month period;
 - c. Hostess parties, not more than three in any twelve (12) month period.
16. Any home business which lawfully exists on the effective date of the ordinance codified in this chapter shall be allowed to continue operation as a nonconforming use in accordance with Section 17.16.010(D), so long as the business is not changed, modified, enlarged or otherwise changed in any way.

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

Chapter 17.18 REGULATIONS APPLICABLE TO ALL RESIDENTIAL ~~DISTRICTS~~ZONES

17.18.010 Off-street parking, lot access, and utility easements.

Off street parking and access for vehicles in residential zones is required as follows:

- A. Single-family ~~and two-family residences~~ - Two off-street parking spaces for each ~~family dwelling unit (refer to MMC 17.16.010A for ADU parking requirements).~~ ~~unit and one additional off-street parking space for an accessory dwelling unit;~~
- B. Middle housing - No off-street parking shall be required within one-half mile walking distance of a major transit stop per RCW 36.70A.635(6)(d); otherwise:
 - 1. One off-street parking space per unit shall be required on lots no greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(e).

2. Two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet, before any zero lot line subdivisions or lot splits per RCW 36.70A.635(6)(f).
- C. Libraries, schools, churches and art galleries - One improved off-street parking space for each six seats in all places, halls and rooms of assembly generally occupied at the same time and one improved off-street parking space for each staff member or employee. Improved parking shall be paved.
- ED. Police stations, fire stations and public utility facilities - One improved off-street parking space for each employee and for each public official. Improved parking shall be paved;
- DE. Where permitted, ~~apartments and condominiums~~ multi-family and co-living housing:-
1. One improved off-street parking space for each ~~living dwelling~~ unit and one for each staff member or employee ~~with adequate parking for guests~~.
 - a. Exception, for market rate multifamily housing units that are located within 0.25 miles of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirement is 0.75 spaces per unit.
 - b. If housing is located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit, then exception cannot be utilized.
 2. For co-living housing, a maximum of 0.25 off-street parking spaces per sleeping unit may be required and no off-street parking may be required within one-half mile walking distance of a major transit stop. Improved parking shall be paved.
- F. Senior Independent Housing and housing for disabled - 0.75 spaces per dwelling unit unless housing is located within 0.25 miles of a transit stop receiving transit service at least four times per hour for twelve or more hours a day, then no off-street parking is required.
- G. Other housing shall have parking determined by WA State Law or based on closest Millwood use classification. Per RCW 35A.21.440, there is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- H. Per RCW 36.70A.817, the following types of residential projects are exempt from the minimum off-street parking requirements:
1. Affordable housing;
 2. New construction or the retrofit of existing buildings meeting passive house requirements;
 3. Modular construction; or
 4. Mass timber construction.
- I. All parking spaces shall be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle with tandem parking permitted (per RCW 36.70A.622). Parked vehicles shall not block sidewalks or shared driveways.
- J. For residential uses:
1. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed (garages or carports are not required per RCW 36.70A.622).
 2. Off-street parking spaces and driveways shall be a durable, dust free surface that are utilized in compliance with stormwater management standards and aquifer protection measures.

- a. Non-porous materials include: concrete, asphalt, pavers, and other similar types of materials.
 - b. Porous materials include: grass block pavers, permeable pavers, compacted angular gravel, brick with sand joints, porous concrete and asphalt, and other similar types of materials.
- 3. The existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in a parking area to meet parking requirements, up to a maximum of six (6) parking spaces.
- 4. Existing parking spaces that do not conform to the requirements of this Chapter are not required to be modified or resized, except for changes needed to comply with the Americans with Disabilities Act, as now or hereafter amended,
- 5. Existing paved parking lots shall not be required to change the size of existing parking spaces during re-surfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.
- K. Lot / Unit Access
 - 1. Individual lot or unit access can be provided by access easements / driveways or private streets that connect to public streets for infill development. Access easements / driveways or private streets shall also contain utility easements as required by the city.
 - 2. Private driveway access shall be permitted with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.
 - 2. When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (K)(1) does not apply and one of the following conditions must be met:
 - a. The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.
 - b. No more than two units are accessed via the same private driveway.
 - c. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 3. Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet six inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as sight distance requirements.
 - 4. Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the International Fire Code or other fire, life, safety standards, such as site distance requirements.
 - 5. This subsection is not intended to limit the applicability of the adopted International Fire Code, except as otherwise presented in this subsection.
- L. The use of joint use or shared driveways shall be encouraged.
- M. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall

per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.
Single family and middle housing are exempt from bicycle parking requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.18.020 Storage.

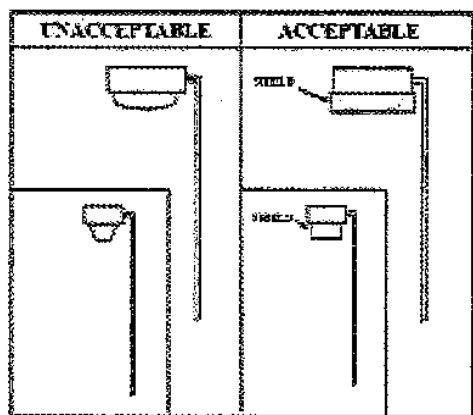
No premises in any residential zone shall be used as a storage area for any purpose other than storage of materials used in connection with the operation of a household and activities associated with the normal operation of a household except that property may be used for the storage of materials used in the construction of the individual building permitted on the parcel.

(Ord. No. 527, § 1, 6-14-2022)

17.18.030 Residential outdoor lighting.

Any lights, whether freestanding or attached to a building or structure which illuminate any outdoor area of a lot, shall be positioned, placed, constructed, shielded or used so as not to illuminate directly any building or structure or portion thereof on an adjacent lot containing a building or structure used as a residence.

Figure 17-1



(Ord. No. 527, § 1, 6-14-2022)

17.18.040 Increased density bonus for affordable housing located on property owned by a religious organization.

Per RCW 36.70A.545, the City must allow an increased density bonus for affordable housing located on property owned by a religious organization (refer to the Bulk Density Standards in Millwood Comprehensive Plan).

- A. Millwood must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:
1. The affordable housing development is set aside for or occupied exclusively by low-income households;

2. The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and
 3. The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).
- B. The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.
 - C. If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.
 - D. This section applies to any religious organization rehabilitating an existing affordable housing development.
 - E. Upon request from a religious organization for an increased density bonus for an affordable housing development, the City may develop implementation policies.

17.18.050 Retrofits of existing buildings for residential housing and accommodation for passive house requirements (RCW 36.70A.810 & 812)

- A. For retrofits of existing buildings to be used for residential housing or new construction or the retrofit of existing buildings meeting passive house requirements:
 1. Any required setback must be measured to the outside face of the foundation, and the portion of exterior wall assemblies that include insulation must be allowed to project up to eight inches into setbacks on all sides;
 2. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
 3. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.
- B. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.
- C. Nothing in this section prohibits application of the requirements of the state building code or requires allowing a setback of less than 36 inches between residential dwelling units.

17.18.060 Conversion of single-family homes to middle housing

Single family homes may be converted to any middle housing permitted in the applicable zone (i.e. duplex or triplex), consistent with current building code requirements, middle housing development requirements (i.e. parking), and adopted bulk density standards, as applicable.

Chapter 17.20 [COMMERCIAL (C-1 AND C-2) ZONES]

17.20.005 Commercial (C-1 and C-2) zones.

There is established the C-1 and C-2 commercial zones, standards and regulations by which certain land uses may be permitted therein.
(Ord. No. 527, § 1, 6-14-2022)

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

~~Commercial~~ Development in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 <u>(1)</u>		C-2	
<u>Front Yard Building Setbacks</u>					
<u>Structure Front Setback</u>	Minimum	25 ft. min.		N/A	
	Maximum	N/A		25 ft. max.	
Parking		15 ft. min		See 17.24.020 & <u>030</u>	
Rear Yard Setback		15 ft. min.		20 ft. min. <u>N/A</u>	
Side Yard Setback		5 ft. min.		N/A	
Flanking Street		15 ft. min.		<u>N/A</u>	
<u>Abutting Residential Zone (up to 2 Story Height)</u>		<u>15 ft. min. (2)</u>		<u>N/A</u>	
Adjacent <u>Abutting to Residential Zone (3 Story Height)</u>		15-20 <u>ft. min. (2)</u>		<u>N/A</u>	
<u>Abutting Residential Zone (4 Story Height)</u>		<u>25 ft. min. (2)</u>		<u>N/A</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>
Site Coverage including impervious surfaces		<u>85%</u>	75 <u>70</u> %	85 <u>90</u> %	70 <u>75</u> %
<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>		45 <u>up to 4 stories / 48 ft. max (4)(5)</u>			
Adjacent to Residential—no intervening street or alley		<u>Residential zone standards apply</u>			
(1) <u>Residential / commercial mixed use buildings (as defined in Appendix A and permitted under 17.26.010, subsection B) in C-1 shall be permitted to utilize C-2 setbacks, as long as a street or alley separates the parcel from an abutting residential zone, as well as C-2 lot coverage.</u> (2) <u>N/A when a street or alley separates the parcels.</u> (3) <u>All impervious surfaces including B buildings/structures limited to 50% of site area</u>					

- (4) Residential / commercial mixed use as defined in Appendix A
- (5) Building height shall be measured from average grade level to the highest point of the structure.
- (26) Where at least 25% of the structure is residential, the maximum building height can include ~~3~~4 stories, but be no higher than ~~45~~48 ft.
- (7) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).
- Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.22.010 and 17.24.060 for more information.
- (3) Shall not exceed 3 stories
- (4) Shall not exceed 4 stories
- (5) When not adjacent to a residential zone

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.22 C-1 GENERAL COMMERCIAL ZONE ~~REGIONAL COMMERCIAL~~

17.22.005 [Purpose and intent.]

Properties zoned C-1 are intended for large scale, auto oriented commercial uses located primarily along major arterials. Businesses located in this zone provide goods and services to customers throughout the region. A variety of existing residential development is located in this zone, however new residential will focus on higher density and mixed use with commercial. ~~A wide variety of residential development is allowed in this zone.~~

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

(Ord. No. 527, § 1, 6-14-2022)

17.22.010 ~~Residential uses.~~ New housing in existing buildings (RCW 35A.21.440)

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;

1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and

G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

~~Residential uses are allowed in the C-1 zone provided that when located on the same parcel as a commercial use, residence shall be located above the commercial use.~~

(Ord. No. 527, § 1, 6-14-2022)

17.22.020 Storage.

Storage requirements are as follows:

- A. No premises shall be used as a storage area for anything other than storage of materials required in connection with the identified permitted uses in Table 17-1.
- B. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C. Storage areas must conform to the minimum setback regulations of the district.
- D. Where permitted, automobiles and other machinery normally displayed for sales purposes on any open lot may be displayed as specified in Appendix A of this title and shall not be considered storage.
- E. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.22.030 Fencing and screening.

Fencing is required as follows:

- A. Those parcels abutting residential zones shall have a six-foot high side and rear yard sight-obscuring fences constructed inside the property line.
- B. Fencing shall be required when the site is developed.
- C. Fencing shall be replaced as necessary to maintain the integrity of the screen.
- D. No fence shall be constructed within fifteen (15) feet of a street.

(Ord. No. 527, § 1, 6-14-2022)

17.22.040 Parking regulations.

- A. Where calculation amounts to one or fewer parking stalls, two stalls, including one ADA stall shall be required.

- B. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- C. Off street parking in the C-1 and I-1 zones is subject to landscaping requirements found in Chapter 17.22.050(F)
- D. Parking standards applicable to C-2 zone found in Chapter 17.24.~~020030~~.
- E. Businesses using shared parking spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.

Table 17-4

Use	Required Parking Stall
Auto or Taxi Rental	1 per 750 gross square feet
Auto service and repair	1 per 500 gross square feet
Auto, machinery, trailer, RV sales	1 per 3,000 gross square feet
Bed & Breakfast	1 plus 1 per guest room
Church	1 per 150 gross square feet
Community Center	1 per 350 gross square feet
Daycare Facility	1 per 500 gross square feet
Fraternal Organization	1 per 350 gross square feet
Funeral Homes	1 per 500 gross square feet
Gambling Establishment	1 per 250 gross square feet
Group living quarters	1 per 4 residents
Hotel/Motel	3 plus 1 per guest room
Indoor amusement facility	1 per 350 gross square feet
Industrial/Manufacturing—Light	1 per 750 gross square feet
Museums, Libraries & Public buildings	1 per 750 gross square feet
Outdoor amusement facility	1 per 700 gross square feet
Personal or Professional Services	1 per 350 gross square feet
Police or Fire Station, public utility facility	1 per employee and 1 for each public official
<u>Residential uses (including within mixed use projects)</u>	<u>Refer to MMC 17.18.010 for off-street parking stall requirements by specific residential use & parking requirements for new housing in existing buildings is included in MMC 17.22.010.</u>
Restaurant/Café/Bar, Lounge or Tavern	1 per 250 gross square feet
Retail Sales, indoor	1 per 350 gross square feet
Retail Sales, outdoor	1 per 3,000 gross square feet
Schools, 9 thru 12	7 per classroom
Schools, pre-school or K thru 8	1 per classroom
Schools, vocational, trade or business	1 per 350 gross square feet
Storage	1 per 2,000 gross square feet
Theaters & Auditoriums	1 per 4 fixed seats
Wholesale/Warehouse	1 per 3,500 gross square feet

F. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.22.050 Landscaping.

All parcels zoned C-1 require landscaping

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic water system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen
- D. Those parcels abutting residential zones require that the perimeter of the parcel shall be developed with a Type 1 landscape screen as described below:

Type 1 landscape screen consists of a six foot sight obscuring fence (vinyl, wood, chain link with privacy slats) and a mix of predominately evergreen plantings, including living trees, shrubs and ground covers. Evergreen trees shall be a minimum height of four feet at the time of planting and be at least six feet in height at maturity. Plant materials shall be chosen and spaced so as to grow together within three years in a manner that is sufficient to totally obscure sight through the barrier. The entire planting strip shall be landscaped. Existing vegetation may be incorporated into the landscape design, provided it contributes to achieving the intent of the section.

- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square foot each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.
- G. Street trees are required along the property line abutting Trent Avenue. Streets trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.24 C-2 LOW-INTENSITY COMMERCIAL / MIXED USE ZONE ~~CENTRAL BUSINESS DISTRICT~~

17.24.005 [Purpose and intent.]

The purpose of the C-2 low-intensity commercial/mixed use zone is to provide housing opportunities and retail and professional services to a limited trade area. The zone should be developed on pedestrian scale to accommodate neighborhood and local community shopping needs, to provide variety in housing and to create recreation opportunities without negatively impacting adjoining neighborhoods. C-2 zones shall be grouped along arterials and within one-fourth mile of a public transit route and should be designed to accommodate pedestrians. The zone should create an urban neighborhood and, in addition, serve several neighborhoods within walking

distance or within a few miles allowing for short driving distances from home to the zone. The zone should serve as a buffer between residential zones and arterial roads thereby providing an appropriate land use transition.

In 1928, 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.

(Ord. No. 527, § 1, 6-14-2022)

17.24.010 Development and design standards.

The following development standards apply when:

- A. Original floor area is increased by more than thirty (30) percent; or
- B. More than fifty (50) percent of the building interior is changed to support a new purpose; or
- C. More than fifty (50) percent of any façade visible from the street is changed.

Main Entrance. Structures may use the front, the side or the rear for a main entrance. Garages shall not have entrances or exists onto side or front yards.

~~Rear Access. There shall be a twenty-foot setback from the rear property line maintained for rear access.~~

Access. Access to structures by way of a paved alley is permitted

Building Design. The design of the development and structures should be on a neighborhood/pedestrian scale and take into consideration the design details of the surrounding neighborhood. Exterior construction materials should be brick, brick facade, siding, tile or other appropriate materials. Metal siding and metal pole buildings shall not be placed in the C-2 zone. At least seventy-five (75) percent of the width and fifty (50) percent of the overall ground level wall area facing a public street or walkway of any new or altered building shall be devoted to interest-creating features such as pedestrian entrances, transparent display windows, or windows affording a view into retail or lobby spaces. Blank walls are not permitted on street frontage.

1. Building Facades:

- a. Facades longer than fifty (50) feet shall be broken down into smaller units through the use of interest generating architectural details. Simply changing materials or color is not sufficient to accomplish this.
- b. Architectural detail shall be provided along facades visible from the street, as well as from neighboring residential areas.



- 2. Prominent Entrance Implementation.
 - a. Principal entryways to the store/building shall be marked by at least one interest generating architectural element.
 - b. Main entrances shall be architecturally different from secondary entrances.
 - c. Weather protection. Some form of weather protection shall be provided over the entry.



- 3. Roof Expression Implementation. Buildings with flat roofs shall have portions with pitched roofs or projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances.



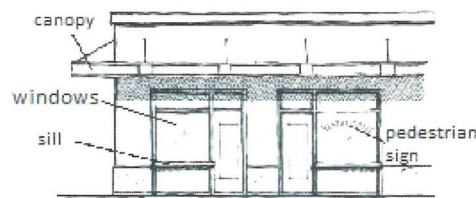
- 4. Ground floor windows: These provisions apply to nonresidential building facades between two feet and eight feet above the level of the adjacent sidewalk, walkway or ground level.
 - a. A minimum of thirty (30) percent of any ground floor nonresidential building facade fronting on a street shall be comprised of windows allowing views into the interior. Display windows may be used to meet half of this requirement.
 - b. For portions of facades that do not have windows, see guidelines for treating blank walls.



5. Treating Blank Walls. Where windows are not provided on walls facing streets or visible from right-of-way, one or more of the following elements shall be incorporated:
 - a. Masonry (but not flat concrete block)
 - b. Concrete or masonry plinth at wall base
 - c. Belt courses of a different texture and color
 - d. Projecting cornice
 - e. Decorative tile work
 - f. Medallions
 - g. Artwork such as sculptures, murals, inlays, mosaics or elements integrated with the project
 - h. Lighting fixtures
 - i. Recesses
 - j. An architectural element not listed above, as approved by the director, that meets the intent of this section.



6. Ground Level Details Implementation.
 - a. Ground level of building shall be pedestrian-friendly in scale, expression and use of materials,
 - b. The ground floor shall contain details such as large windows, projecting sills, pedestrian scale signs, awnings and/or canopies.



Elements to be incorporated at ground level

- E. Signage. Pole signs and freestanding reader boards shall not be placed in the C-2 zone. Building-mounted or monument style signs shall only be allowed to a maximum of thirty-two (32) square feet. All other requirements of Chapter 17.40 of this title shall apply.
- F. Procedure for Exception. Design standards that may be unsuitable for a given project may be waived by the planning commission if an applicant can demonstrate that there is a good reason why the standard is inappropriate. The planning commission may approve an alternative that achieves the intent of this chapter after finding that:
 - 1. For a specific project the underlying design principles will not be furthered by the application of the standard;
 - 2. Another design principle is enhanced by not applying the standard; or
 - 3. Explaining the unique site factors that make the standard unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development.

Increases in the cost of development will not be an acceptable reason to waive a standard or determine that a standard is inappropriate.

Appeal of an administrative decision shall follow the process in MMC 14.12.140. Appeals of staff decisions may be made to the planning commission.

G. Per RCW 36.70A.815, façade modulation and upper-level setbacks shall not be required on the following residential projects, unless the project is located within the Millwood Historic District:

- 1. Affordable housing;
- 2. New construction meeting passive house requirements;
- 3. The retrofit of existing buildings meeting passive house requirements;
- 4. The conversion of existing buildings to housing or mixed-use development that includes housing;
- 5. Modular construction; or
- 6. Mass timber construction.

H. Millwood Historic District.

In addition to the design standards above, parcels within the Millwood Historic District shall utilize 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 homes and structures.

(Ord. No. 527, § 1, 6-14-2022)

17.24.020 Landscaping.

Where setbacks exist, landscaping shall be required along arterials and shall include appropriate street trees as determined by the city. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board. Landscaping shall be required along streets other than arterials within the prescribed setback and shall consist of shrubs and approved street trees. Street trees shall be planted within fifteen (15) feet of the property line. All landscaping shall be maintained in a living condition and shall be replaced as necessary.

(Ord. No. 527, § 1, 6-14-2022)

17.24.030 Off-street parking.

- A. No parking shall be allowed between the sidewalk and any building façade.
- B. All onsite parking must be improved, including paving and stormwater control.
- C. Parking whether onsite or offsite, shall be required at one space per each one thousand (1,000) square feet of retail, office, and commercial space plus one space per residential unit, unless an exception applies for specific residential uses such as co-housing and affordable housing (refer to MMC 17.18.010). Parking requirements for new housing in existing buildings is included in MMC 17.24.060.
- D. Accessibility requirements shall be met. The accessible parking space(s) required by the building code shall be included in the total number of required parking spaces.
- E. In addition to parking areas, all stopping, and roadway or driving areas shall also be improved with pavement.
- F. Sharing parking lots shall be allowed in the C-2 zone. Businesses using shared spaces are liable for the care, maintenance, snow removal and stormwater discharge. A joint parking agreement must be executed in a form acceptable to the City, stating that the parcel or portion of a parcel is devoted in whole or in part for the required parking. The agreement shall be binding on both properties and shall be recorded with the Spokane County auditor.
- G. A parking analysis may be provided to reduce the total number of parking stalls required when proposed uses will be conducted at different times of the day, to provide flexibility in meeting minimum parking requirements.
- H. The provision of bicycle parking is required for uses with five (5) or more vehicle parking spaces. Bicycle parking may be provided via shared bike racks or within private garages at a ratio of one (1) bicycle stall per every five (5) vehicle stalls or 1 bicycle stall per dwelling or sleeping unit, whichever is greater.

(Ord. No. 527, § 1, 6-14-2022)

17.24.040 Fencing and screening.

A sight-obscuring screen must be provided and maintained where a C-2 zoned parcel directly abuts a residentially zoned property if the residential property is not located along an arterial street. The screen must be a minimum of ~~five-six~~ feet tall and may either be a sight-obscuring fence ~~of or solid~~ landscaping.

(Ord. No. 527, § 1, 6-14-2022)

17.24.050 Storage.

No premises in the C-2 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1. The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department. Storage areas must conform to the minimum setback regulations of the zone. Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

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

- A. The City shall not impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building.
- B. There is no off-street parking requirement for the addition of dwelling units or living units added within an existing building.
- C. The City cannot deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area.
- D. A transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW cannot be required based on the addition of residential units within an existing building.
- E. The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;
 - 1. For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.
 - 2. Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.
- F. The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
- G. Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans, as applicable.

Chapter 17.26 **SUPPLEMENTARY USE REGULATIONS IN COMMERCIAL ZONES**
SUPPLEMENTAL DEVELOPMENT REGULATIONS

17.26.010 ~~[Supplemental Supplementary development use regulations.]~~

Where permitted pursuant to Table 17-1, the following conditions shall apply

- A. Establishments licensed to serve alcohol:

1. If the proposed establishment is located within five hundred (500) feet from any church, school, public park or playground, then the following conditions shall apply:
 - a. Public entrances to such establishment, outside seating areas where alcohol may be served, and any area of such establishment where alcohol may be consumed shall not be visible from any church, school, public park or playground; and
 - b. The service or consumption of alcohol at such establishment may not result in noise, vehicular traffic, litter, public consumption of alcohol, public inebriation, or other conditions that are incompatible with the peaceful uses of any such church, school, public park or playground.
 - c. Notice of the proposed establishment shall be given to the legal owner of any church, school, public park, or playground within five hundred (500) feet of the proposed establishment. Such legal owner shall provide comment regarding the proposed establishment to the director within ten days of receiving such notice. The director shall not approve or deny the proposed establishment until fourteen (14) days following date of such notice. The director may impose conditions on the proposed establishment or may deny the proposed establishment based on submitted comments.
 - d. If the establishment is licensed to allow beer, wine and spirits tasting, then tasting shall occur within an enclosed area in the licensed establishment and shall not be located closer than one hundred (100) feet from any church, school, public park, or playground.
 - e. Distance shall be calculated by extending a straight line from the nearest physical point of the structure housing the establishment licensed to serve alcohol to the property line of the protected use.
 - f. Appeal of an administrative decision shall follow the process in MMC 14.12.140
- B. Residential / Commercial Mixed Use~~Residential uses:~~
 - a. Required minimum percentage of uses are identified within the definition in Appendix A;~~If they are combined in the same development and structure with any of the permitted uses;~~
 - b. For buildings that front Argonne Rd., Euclid Ave., or Trent Ave., non-residential uses must front the public right-of-way; however, residential uses are permitted on upper floors and on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area.
 - c. Horizontal mixed use is not allowed within the Millwood Historic District, only vertical mixed use and live-work buildings are permitted.~~Residential floor area is permitted on the ground floor, provided that it represents less than fifty (50) percent of the ground floor area, and non-residential uses front on the public right-of-way.~~
- C. Outdoor Business Activities. Outdoor business activities on the public right-of-way, may be permitted with a right-of-way permit.
- ~~D. Conversion of Residential Structures. An existing single-family residential structure may be converted to a commercial or office use if;~~
 - ~~a. The structure is brought into conformance with the building code for such use; and~~
 - ~~b. The development standards required in Section 17.24.010 through 17.24.040 can be met with the exception of setbacks of existing buildings.~~
- D. Animals (Animal Keeping - Small) and Agriculture (Urban).
 1. Animal requirements are as follows:

- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- b. The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.
- c. 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 only be permitted through an approved Home Business;
 - c. Community gardens are permitted;
 - d. Beekeeping or other urban agricultural uses (as defined in Appendix A) that may be considered a nuisance to surrounding properties shall not be permitted. If a use is classified as a nuisance then it shall be discontinued.

E Churches / Places of Worship.

- 1. Churches (provided they are tax-exempt) may be allowed by conditional use permit in accordance with standards regulating the issuance of conditional use permits as specified in this Code.
- 2. Requests by religious organizations to use property owned or controlled by the religious organization for housing, shelter, outdoor encampment or vehicle resident safe parking in accordance with RCW 35A.21.915, shall also be reviewed as part of a new or amended Conditional Use Permit.

(Ord. No. 527, § 1, 6-14-2022)

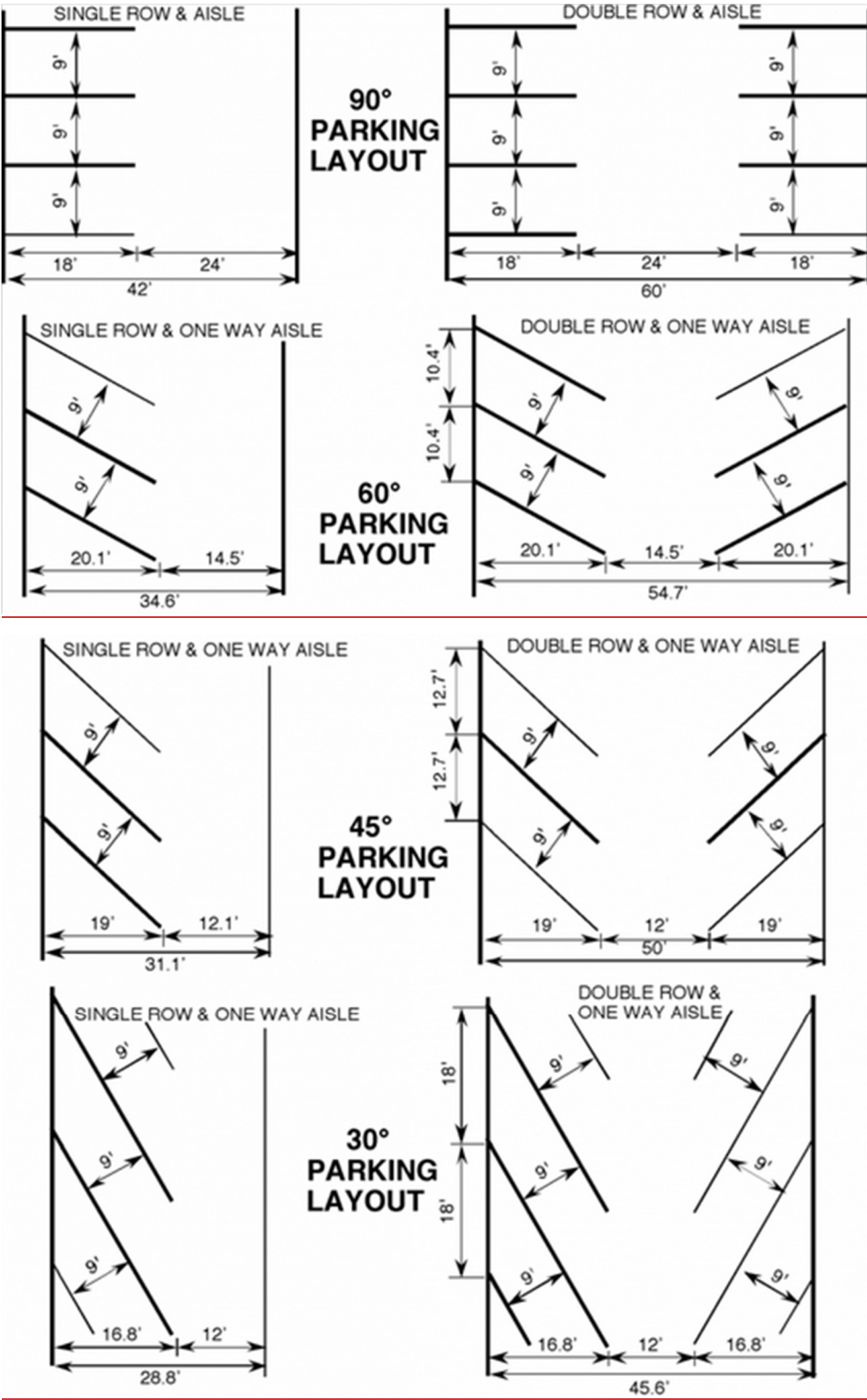
Chapter 17.28 REGULATIONS APPLICABLE TO ALL COMMERCIAL DISTRICTS

17.28.010 Site improvements.

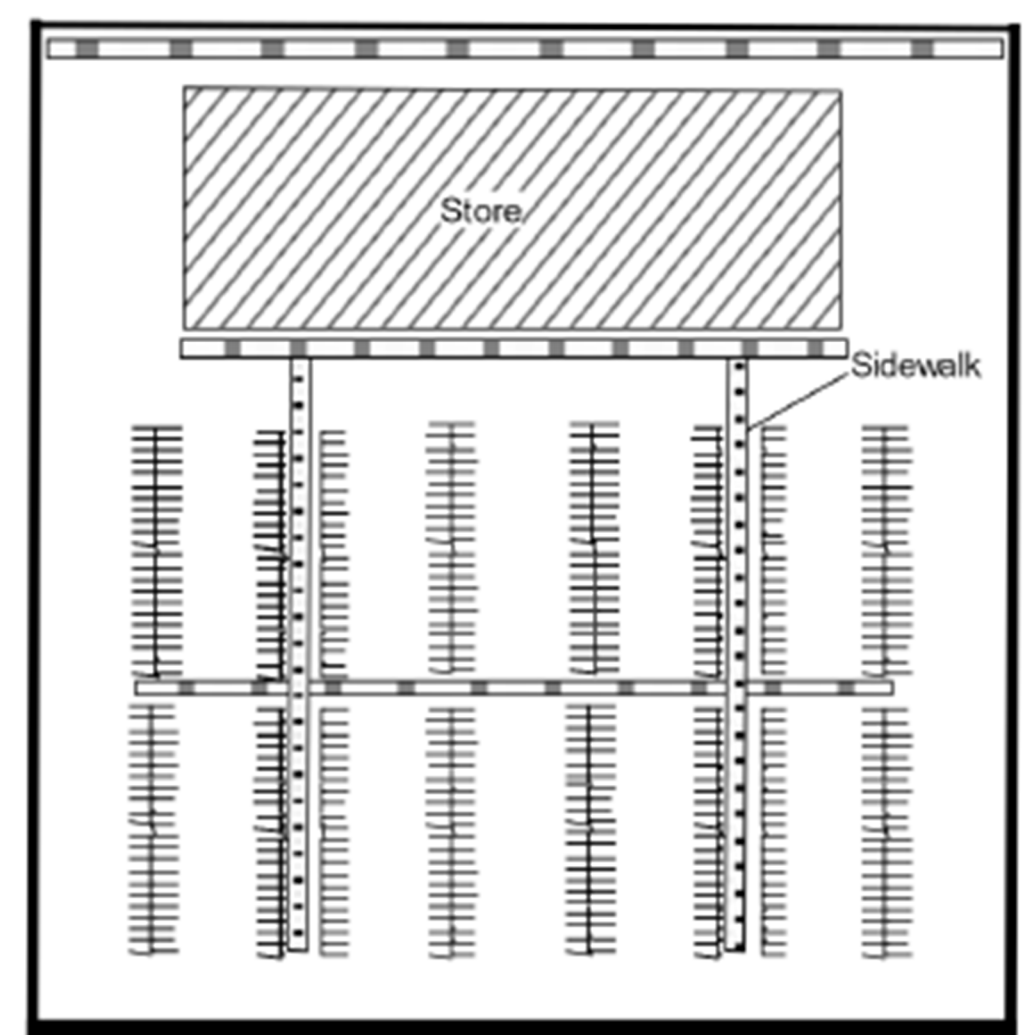
- A. All parcels zoned commercial shall require site improvements. Site improvements include:
 - 1. Site must be developed in accordance with Spokane County standards for stormwater control / Spokane Regional Stormwater Manual, as may be amended; and
 - 2. Paving of all parking areas, whether required parking or not, stopping, storage and roadway (driving) areas.
- B. Site improvements shall be required when the site is developed.
- C. All stormwater control plans for treatment and control shall, when required, be submitted for review and developed in accordance with Spokane County standards and the Spokane Regional Stormwater Manual, as amended. The following shall apply to stormwater control:
 - 1. No private stormwater control device, swale or ponds shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.

2. All stormwater control devices, swales and ponds shall be located on the same parcel containing the use/development it is mitigating.
 3. All development requires a stormwater control plan, unless all of the following are true:
 - a. There will be no increase in trip generation (using the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers' or specific local data collected by a registered professional engineer) when the use of the site or structure is changed from the current use. For structures currently vacant, the most recent use, as evidenced by a certificate of occupancy, would be considered as the current use;
 - b. There is no increase in structure size, impervious area or type of groundcover;
 - c. There is no change to the exterior HVAC system or roofing material which would produce contaminated stormwater runoff;
 - d. There is no storage of chemicals or fertilizers on the site or in the structure.
 4. Commercial structures, containing a commercial use, built and used for commercial purposes prior to the date stormwater control plans were required are exempted from the stormwater plan requirements for minor interior remodels provided the conditions in subsections (C)(3)(a) through (d) of this section are met.
 5. All stormwater runoff shall be maintained on site. Development exempted in this section shall require a stormwater control plan if runoff is determined to be leaving the site.
 6. Partial use of a parcel requires the entire unused portion of the parcel be paved and developed with stormwater improvements or be developed in a low growing or mowed groundcover which is automatically irrigated and kept in living condition and made physically unavailable for parking and storage.
 7. Refer to 17.38.030 for green infrastructure and low-impact development (LID) options that may be utilized in the Central Business District (CBD).
- D. All paving, when required, shall be submitted for review. The following requirements apply to paving:
1. No pavement shall be placed within fifty (50) feet of the ordinary high water mark of the Spokane River.
 2. All pavement shall be located on the same parcel containing the use/development it is mitigating.
 3. All development requires paved travel areas, storage areas and parking.
- E. Off-street parking design shall be in accordance with the following requirements, with the exception of ADA parking which shall meet building code requirements.
1. Parking shall be so designed that vehicles will not back out into public rights-of-way, with exceptions permitted in the C-2 zone.
 2. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.
 3. The standard commercial / industrial parking stall dimension shall be at least nine (9) foot wide x eighteen (18) feet long (9'x18') per vehicle. Residential / commercial mixed use may be reduced to be at least eight (8) foot wide x eighteen (18) feet long (8'x18') per vehicle.
 4. Parking stalls and aisles shall be designed as illustrated below. Parking spaces at any angle other than those shown are permitted, provided the width of stalls and aisles are proportionately adjusted based upon the angle proposed.

5. Aisle width may be reduced or eliminated when single row parking access is from an alley and the alley functions as an aisle.



- F. Off-street parking shall comply with WA state law requirements regarding electric vehicle infrastructure including, but not limited to RCW 19.27, RCW 19.28, and WAC 51-50-0429 (State Building Code), and RCW 46.08.185 (Electric vehicle charging stations—Signage), as now adopted or hereafter amended. Refer to MMC Chapter 17.50 for Electric Vehicle Infrastructure.
- G. Every building or part thereof occupied for retail business, service, wholesale, manufacturing, storage, warehousing, hotel/motel, industrial, or any other similar use that receives or distributes materials or merchandise via large commercial trucks, shall provide a loading space on site in accordance with the following requirements:
1. Loading spaces must be designed so that vehicles do not need to back out into a public street.
 2. Loading spaces shall be located a minimum of 25 feet from any front property line and 50 feet from any residential zone or 25 feet from any residential zone when a six-foot sight-obscuring fence and landscaping are installed.
 3. The minimum dimensions of off-street loading spaces shall be 12 feet wide by 30 feet long.
 4. Required off-street parking spaces shall not be allowed within the loading space and truck maneuvering area.
 5. The Planning Director or designee may allow exceptions to the standards above when the applicant makes a written request demonstrating conditions that prohibit compliance with the requirement(s). Exceptions include but are not limited to use of a marked commercial loading zone for multiple businesses or utilization of an alley as a temporary loading space within the Millwood Historic District.
- H. Refer to Millwood Public Works requirements for approach separation and limited access from collector and arterial streets, as applicable.
- I. Pedestrian access
- Parking lot circulation shall be designed to minimize conflicts between vehicles and pedestrians around and within parking lots and at vehicle ingress/egress points.
1. Internal pedestrian walkways shall be installed through any parking lot of 50 or more spaces and shall be located and constructed as an integrated part of existing sidewalks and/or pedestrian trails.
 2. For development with less than 50 spaces, painted crosswalks and striped areas may be utilized for safe pedestrian circulation in lieu of requirements in 2a-2c below.
 3. Walkways shall be accessible and a minimum of five (5) feet wide. Internal walkways shall be separated from traffic lanes as well as vehicle overhangs, and shall be located as follows:
 - a. Walkways running parallel to the parking rows shall be provided for every 4 rows. A row is considered either a single or double line of parking stalls which are separated from other rows by internal driveways / drive aisles.
 - b. Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces apart.
 - c. Walkways that cross vehicle lanes shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.



Example of a walkway system within a parking lot

(Ord. No. 527, § 1, 6-14-2022)

17.28.020 Outdoor lighting.

Lighting for those parcels zoned commercial or public reserve is required as follows:

- A. Lighting shall be required when the site is developed.
- B. Lighting shall be replaced as necessary to maintain safety.
- C. Parking areas and structure entries shall be illuminated, at a minimum, from dusk to one hour past the hour of closing with a lighting system so as to provide for well-lit areas.
- D. All exterior lighting shall be constructed, shielded, and used so as not to directly illuminate or create a glare visible from adjacent properties or public right-of-way.
- E. Lighting resembling or conflicting with traffic signals or emergency vehicles or otherwise creating safety hazards for pedestrians or vehicular traffic is prohibited.

(Ord. No. 527, § 1, 6-14-2022)

17.28.030 Conversion of Residential Structures.

- An existing single-family residential structure may be converted to a commercial or office use if;
- A. The structure is brought into conformance with the building code for such use; and
 - B. For the C-2 Zone, the development standards required in Section 17.24.010 can be met with the exception of setbacks of existing buildings. All other development standards in C-1 / C-2 for landscaping, parking, lighting, etc. must be met.

Chapter 17.30 INDUSTRIAL (I-1 AND I-2) ZONES

17.30.005 [Purpose and intent.]

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

(Ord. No. 527, § 1, 6-14-2022)

17.30.010 ~~Industrial~~ I-1 and I-2 development standards.

~~Industrial~~ development in the I-1 and I-2 zones shall meet the standards shown in Table 17-5.

Table 17-5

		I-1	I-2
Building Setbacks	Front	25 ft. and 15 ft. for all parking areas, signage, and storage areas.	No minimum setbacks required <u>25 ft. and 15 ft. for all parking areas, signage, and storage area (Empire Ave. is front)</u>
	Rear	25 ft.	<u>25 ft.</u>
	Side	5 ft. (1)	<u>5 ft.</u>
	<u>Abutting Residential Zone (up to 2 Story Height)</u>	<u>15 ft. min. (1)</u>	<u>15 ft. min. (1)</u>
	<u>Abutting Residential Zone (3 Story Height)</u>	<u>20 ft. min. (1)</u>	<u>20 ft. min. (1)</u>
	<u>Abutting Residential Zone (4 Story Height)</u>	<u>25 ft. min. (1)</u>	<u>25 ft. min. (1)</u>
	Flanking Street	15 ft.	<u>25 ft. + 10 ft. for each story above 2 stories to reduce noise and visual impacts to adjacent Millwood Historic District (Argonne Rd. is flanking)</u>
Maximum Building Coverage & Open Space		75% 25% of the site shall be left as open space free	N/A 75% <u>25% of the site shall be left as open space free</u>

(Supp. No. 21, Update 3)

Created: 2025-10-25 16:46:31 [EST]

	from structures and other impervious surfaces.	<u>from structures and other impervious surfaces with the majority located at Argonne & Empire</u>
Building Height <u>(2) (3)</u>	<u>45-48</u> ft., shall not exceed four stories in height <u>(1)</u>	<u>45-48</u> ft., shall not exceed four stories in height <u>(1)</u>
<u>(1) N/A when a street or alley separates the parcels.</u> <u>(2) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(3) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u> (1) When a lot in the I-1 and I-2 zone is located within one hundred (100) feet to a residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone. (2) Building height 85' with CUP		

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.32 I-1 LIGHT INDUSTRIAL ZONE ~~LIGHT INDUSTRIAL~~

17.32.005 [Purpose and intent.]

The I-1 Light Industrial ~~district-zone~~ is intended for small to medium intensity industrial uses that produce little to no noise or environmental emissions.

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

(Ord. No. 527, § 1, 6-14-2022)

17.32.010 Storage.

- A.

No premises in the I-1 zone shall be used as a storage area for any purpose other than storage of materials required in connection with permitted uses identified in Table 17-1.
- B.

The storage of substances, including chemicals and fertilizers which may affect the aquifer must be reviewed and approved by the Spokane Valley Fire Department.
- C.

All storage must be indoors or within a six-foot sight-obscuring fence.
- D.

Storage areas must conform to the minimum setback regulations of the zone.
- E.

Storage areas shall be paved.

(Ord. No. 527, § 1, 6-14-2022)

17.32.020 Site improvements.

Site Improvements shall comply with the regulations of Chapter 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

17.32.030 Landscaping.

- All parcels zoned I-1 require landscaping.
- A. Landscaping shall be required when the site is developed.
 - B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
 - C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
 - D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
 - E. Landscape buffers are required whether or not property lines abut streets.
 - F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from island curb edge.
 - G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.32.040 Off-street parking.

In the I-1 zone, off-street parking regulations pursuant to 17.22.040.

(Ord. No. 527, § 1, 6-14-2022)

17.32.050 Fencing and screening.

In the I-1 zone, Fencing and Screening regulations pursuant to 17.22.030.

(Ord. No. 527, § 1, 6-14-2022)

17.32.060 Outdoor lighting.

In the I-1 zone, outdoor lighting regulations pursuant to 17.28.020.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.34 I-2 MANUFACTURING / INDUSTRIAL ZONE -
PAPER MILL ALTERNATIVE ZONE

17.34.010 I-2 [Paper mill alternative zone.]

In the I-2 paper mill alternative zone, no building or premises shall be used, nor shall any building or structure be hereafter erected or altered unless, otherwise provided in this title, except for one or more of the following uses.

- A. All uses in place at the time of adoption of this Code and continuously maintained shall be permitted to remain. Expansion of such use shall be in compliance with the development regulations of the I-1 zone.
- ~~B. Uses permitted in the UR-1, UR-2 and UR-3 residential zones, and Class I and Class II group-care homes as permitted by conditional use permit. Prior to application for redevelopment of a parcel from paper mill to residential use an application for subdivision and zone change for the required zone shall be made and if approved by the city the application for redevelopment shall proceed. The development regulations for the approved zone contained the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.~~
- ~~C. Uses Permitted in the C-2 Low-Intensity Commercial/Mixed Use Zone. Prior to application for redevelopment of a parcel from paper mill to C-2 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.~~
- ~~D. Uses Permitted in the I-1 Light Industrial Zone. Prior to application for redevelopment of a parcel from paper mill to I-1 use, an application for subdivision and zone change for the required zone shall be made and if approved by the city, the application for redevelopment shall proceed. The development regulations for the approved zone contained in the corresponding chapter of this Code shall be applicable to such uses in the I-2 zone.~~
- ~~E. Secure community transition facilities (SCTF) for three residents may be permitted in the I-2 zone by conditional use permit provided all of the UR-2 zone and general uses development standards are met. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of, risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. Refer to MMC Chapter 17.48 and Section 17.48.070 for specific siting requirements. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing by the planning commission, the city council may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the city council shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.~~
- ~~F. Residential uses shall not be permitted on the same parcel as commercial uses, unless provided for above, they are part of a Residential / Commercial Mixed Use development which complies with 17.26.010(B).~~
- ~~G. Residential uses shall not be permitted on the same parcel as industrial uses.~~
- ~~G. The Public Reserve (P-1) zoning designation could also be utilized in this area to establish a public park and fish and wildlife habitat area buffer along the river. Restoring this area to its original, natural condition over time would increase pollution and nutrient filtration, decrease erosion potential into~~

the Spokane River, allow for habitat and bike transit connectivity while enhancing the aesthetic of Millwood, and fulfilling several of the city’s policies and action items.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.36 ~~PR~~-1 PUBLIC RESERVE ZONE

17.36.005 [Purpose.]

In the ~~PR~~-1 public reserve zone, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title.

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

(Ord. No. 527, § 1, 6-14-2022)

17.36.010 Public reserve development standards.

Development in the ~~PR~~-1 shall meet the standards shown in Table 17-6

Table 17-6

Building Setbacks	Front	25 ft.
	Rear	15 ft.
	Side	5 ft (1)
	Flanking Street	15 ft
Parking, Signage, Storage setback	Front	15 ft.
Maximum Building Coverage		35%
Building Height <u>(3) (4)</u>		45 <u>48</u> ft or 4 stories (2)
(1) Where a lot is adjacent to a residential zone with no intervening street or alley, a side yard of not less than fifteen (15) feet shall be required on the side adjacent to such residential zone. (2) When a lot in the PR-1 zone is located adjacent to residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone. <u>(3) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(4) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u>		

(Ord. No. 527, § 1, 6-14-2022)

17.36.020 Storage.

Storage regulations in the ~~PR~~-1 zone pursuant to Chapter 17.32.010.

(Ord. No. 527, § 1, 6-14-2022)

17.36.030 Off-street parking.

In the **PR-1** zone, off-street parking spaces for vehicles is required to be developed as follows:

- A. Governmental buildings and uses—one off-street parking space for each employee and for each public official;
- B. Hospitals—one off-street parking space for each four beds and one off-street parking space for each staff member or employee on the shift with the greatest number of employees;
- C. Institutions for education, philanthropic or eleemosynary uses, and schools, excluding elementary schools serving students below grade nine—one off-street parking space for each four seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- D. Elementary schools serving students below grade nine—one off-street parking space for each eight seats in all places, halls, classrooms and rooms of assembly generally occupied at the same time and one off-street parking space for each staff member or employee;
- E. Libraries, art galleries and museums—one off-street space per two hundred fifty (250) gross square feet and one off-street parking space for each staff member or employee and for each public official;
- F. Parks, playgrounds, tennis courts and like recreational uses—no specific requirements.
- G. All employees shall park on the parcel with the commercial or public use.
- H. All parking shall be improved with asphalt or concrete.
- I. If the public development meets all required parking standards on the parcel and would like additional parking off-site, a directly adjacent parcel may be developed as additional parking, provided both parcels meet all development requirements, including coverage, paving, stormwater, fencing, lighting and landscaping.

J. Refer to MMC 17.28.010(E) for parking design requirements.

(Ord. No. 527, § 1, 6-14-2022)

17.36.040 Landscaping.

All parcels zoned **PR-1** require landscaping.

- A. Landscaping shall be required when the site is developed.
- B. Landscaping shall be maintained in living condition at all times and shall require the installation of an automatic watering system.
- C. Landscaping shall be replaced as necessary to maintain the integrity of the screen.
- D. Those parcels abutting residential zones require that the perimeter of the parcel, outside of any required fencing, shall be developed with the highest degree of screening required by Spokane County standards in effect at the time the complete development application is received with a minimum width of twenty (20) feet.
- E. Landscape buffers are required whether or not property lines abut streets.
- F. Parking landscape islands are required at a rate of one per every ten parking spaces and shall be a minimum of one hundred forty-four (144) square feet each. Island shall be landscaped and contain at least one tree which shall be planted a minimum of six feet from the island curb edge.

- G. Street trees are required along the property line abutting Trent Avenue. Street trees can be incorporated into landscape buffers. Street trees shall be chosen from the current list of acceptable trees kept and maintained by the Millwood Beautification and Tree Board.

(Ord. No. 527, § 1, 6-14-2022)

17.36.050 Fencing and screening.

In the ~~PR~~-1 zone, Fencing and Screening regulations pursuant to 17.22.030.

(Ord. No. 527, § 1, 6-14-2022)

17.36.060 Outdoor lighting.

In the ~~PR~~-1 zone, outdoor lighting regulations pursuant to 17.28.020.

17.36.070 Site improvements.

In the P-1 zone, site improvement regulations pursuant to 17.28.010.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.38 GENERAL PROVISIONS

17.38.005 General provisions.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front ~~property lot~~ line than the distance indicated by the depth of the required front yard / front setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building.
2. Steps, terraces, platforms, ramps, and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than ~~twentyseventy~~-five (2575) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard / side setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard / rear setback.

Exceptions:

1. ~~e~~Eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building.
2. Steps, platforms, ramps, and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

~~E. Fences, Rear and Rear-Side Yard.~~

- ~~1. Rear and rear-side fences shall not exceed six feet in height.~~
- ~~2. Side yard fences between residences or main buildings may not exceed six feet in height.~~
- ~~3. Front and front-side fences may not exceed forty-two (42) inches in height.~~
- ~~4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.~~

~~5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.~~

~~6. Permits are required for the construction or rebuilding of any fence.~~

E. Fences

1. Permits are required for the construction or rebuilding of any fence.

2. Front and front-side (the distance of the required front yard setback) fences may not exceed forty two (42) inches in height.

3. Rear and rear-side fences, and any side yard fence between residences or main buildings, shall not exceed six feet in height.

4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.

5. Barbwire and similar materials are prohibited for use as fencing material.

6. Electrified fences are prohibited.

7. Fences, materials used in lieu of a fence, and landscaping shall meet clear view triangle requirements, as determined by the Planning Director and/or City Engineer.

F. Sidewalks, trails, shared roadways, and complete streets.

The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.

2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the ~~Public Works Director or designee~~ public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

3. All development as defined in ~~Section 17.16.065~~ Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. Sidewalks shall also be required on access streets when sidewalks are already constructed along the street or when needed for pedestrian safety, as determined by the City. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of ~~an existing single-family residences~~ or accessory buildings or construction of new accessory buildings provided the principal and primary use ~~is and~~ remains ~~single-family a~~ residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

Refer to the adopted Millwood Comprehensive Plan for specific sidewalk, trail, shared roadway, and/or complete street improvement location priorities.

G. Clear view triangle.

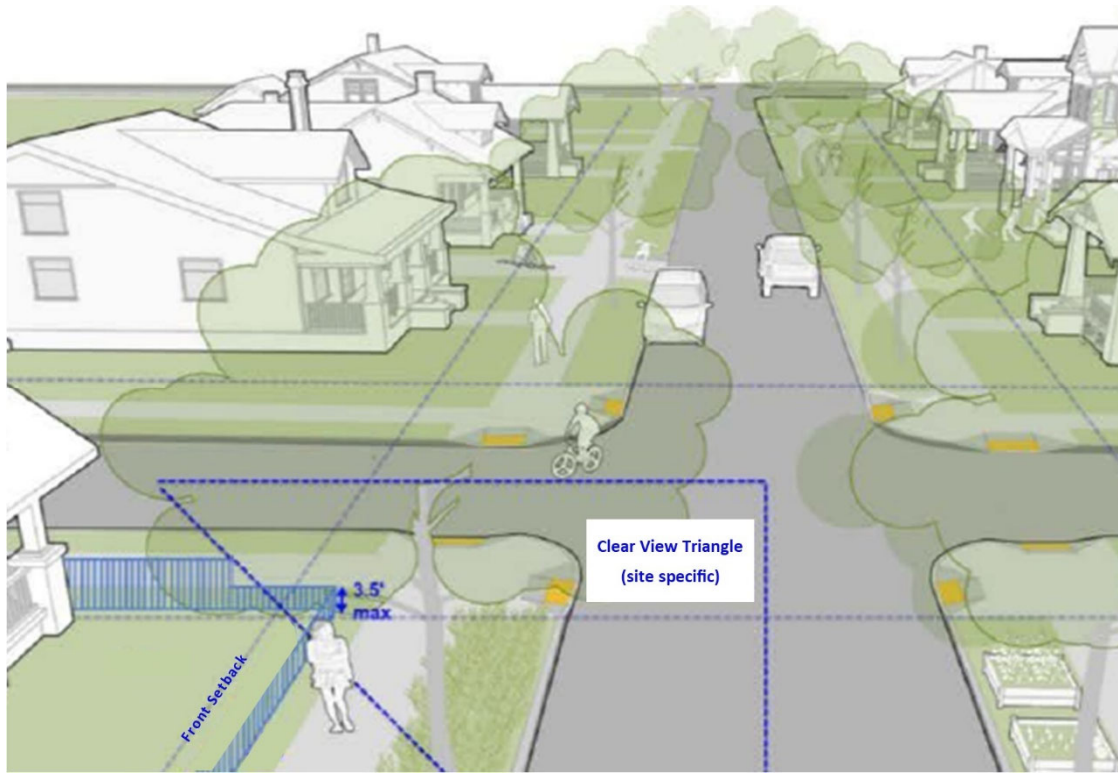
Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district zone within the area designated as the "clear view triangle" as set forth below:

- 1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and ~~seven~~ eight feet above the street must be unobstructed. The clear view triangle is calculated as follows:
 - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street / alley / driveway;
 - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

~~(1)~~ **Two-Way Stop Controlled**

Posted Speed (in MPH)	Distance (in Feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
- d. The Public Works Director or designee ~~public works supervisor~~ will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.



2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
 - a. Public utility poles;
 - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least ~~seven-eight~~ feet above the street surface;
 - c. Properties where the natural ground contour penetrates the clear view triangle; and
 - d. Traffic control devices installed by the city.
- H. Administrative Exceptions. An administrative exception may be approved for the following ~~when~~:
 - ~~a. Where the required setback is greater than five feet, a deviation of five feet or less~~
 - ~~b. Minimum lot area where the deviation is for ten percent or less of the required lot area.~~
 - ~~c. Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.~~
 1. Any dimensional requirement which does not exceed one foot.
 2. A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.
 3. Minimum lot area requirements where the deviation is for 10% or less of the required lot area.
 4. Minimum lot width requirements where the deviation is for 10% or less of the required lot width.
 5. Maximum building coverage or lot coverage requirements where the deviation is for 25% or less of the maximum building / lot coverage.

~~6d.~~ Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

7. Exceptions required to meet current RCW/WAC requirements.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria, as applicable:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning districtzone it occupies;
- b. The exception may not increase density beyond what is currently allowed within the zoning districtzone;
- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
- e. The exception shall not conflict with other local, state, or federal laws; and
- f. The exception does not adversely impact the public health, safety, and welfare within the city.

I. Alternative methods of compliance

The Planning Director or designee, in consultation with the Public Works Director, Building Official and/or City Engineer, as applicable, may accept alternative methods of complying with the development standards of this Code, provided it could be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of the Code and/or applying Blue Zone principles (as defined in Appendix A). The Planning Director or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as administrative appeals under MMC 14.12.140. The Planning Director or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

~~I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:~~

- ~~1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.~~
- ~~2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.~~

3. All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.
- J. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:

a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;

b. Two-Way Stop-Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

Two-way stop-controlled

Table 17-7

Posted Speed (in MPH)	Distance (in feet)
25	40

c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or

d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.

2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:

a. Public utility poles;

b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
- (Supp. No. 21, Update 3)
- Created: 2025-10-25 16:46:31 [EST]
- Page 6 of 9
- 66

- ~~c. Properties where the natural ground contour penetrates the clear view triangle; and~~
- ~~d. Traffic control devices installed by the city.~~

J. Level of service (LOS)

Development must be reviewed for compliance with adopted city level of service standards (water, sewer, transportation including multimodal, and parks and recreation). Refer to Millwood Comprehensive Plan Section 8.6 Level of Service Standards, Section 11.4 City of Millwood Capital Facility Level of Service Standards, and Section 11.6 Capital Facilities, Utilities, and Services Summary, as amended.

K. Airport Compatibility.

- 1. The airport compatibility zone (ACZ) is designated on the official zoning map.
- 2. Prior to the issuance of a commercial building permit or any land use permit within the airport compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.
- 3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

(Ord. No. 527, § 1, 6-14-2022)

17.38.010 Ownership divided by a zoning district boundary line.

If a zoning boundary line cuts a property having a single ownership as of record at the time of passage of the ordinance codified in this title, all such property may take the least restrictive classification, provided that at least forty (40) percent ~~by of the~~ area of the entire property is located in the district zone having the least restrictive classification. This provision applies to single parcels only.

(Ord. No. 527, § 1, 6-14-2022)

17.38.020 Nonconforming uses.

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the planning department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the planning department deems necessary to substantiate or document the claim of legal nonconforming status.

- A. Legal nonconforming lots are lots of record established prior to the adoption of this Code or an amendment thereto and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage / front lot width or lot area that are generally applicable in the zone, provided that yard setbacks and requirements other than frontage / front lot width or lot area shall conform to the regulations for the zone in which such lot is located.
- B. When a political subdivision of the state of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces such lot, tract, or parcel of land in area and/or frontage by not more than ten percent of the minimum requirements of the underlying use within the zone classification, such lot, tract, or parcel of land shall be deemed to be a legal nonconforming lot with respect to area and/or frontage. A legal nonconforming lot status resulting from an acquisition under this subsection shall run with the land and the status of the legal nonconforming lot shall be perpetual

and continuous absent a subsequent amendment of the zoning code, regardless of whether the legal nonconforming lot is actually being used or not.

- C. A use which was lawfully established and in existence and which became or becomes nonconforming by amendment to the zoning code is a legal nonconforming use. The term legal nonconforming use refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or classification.
1. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district-zone in which the use is located.
 2. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.
 3. A legal nonconforming use shall not be expanded or extended. The extension of a legal nonconforming use to any other portion of the building or structure which was originally arranged or designed for such nonconforming use shall not be deemed the extension of a legal nonconforming use. A structure containing a legal nonconforming use may be maintained in conformance with the standards of the adopted building codes.
- D. A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto.
1. Restoration of a legal nonconforming structure which is damaged by fire, flood or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.
 2. Repair and maintenance of legal nonconforming structures is allowed.
 3. Reconstruction of a legal nonconforming structure shall be permitted in compliance with the building and fire codes.
 34. A nonconforming structure which contains a conforming use shall be allowed to expand, provided that the structure ~~is not out of compliance with the code by greater than a total of ten percent and~~ is not a danger to health or life safety, and further provided that the alteration or extension does not result in further violation of this Code.
 4. ~~When a lot contains a legal nonconforming structure, other structures may be placed on the lot provided none of the existing legal nonconforming structures are out of compliance with any one section of the current code by greater than ten percent.~~
 5. Per RCW 35A.21.440, the city shall not deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the Planning Director or designee makes written findings that the nonconformity is causing a significant detriment to the surrounding area; however, the city is not required to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards. Refer to Appendix A for the definition of an existing building.
- E. If a lot is out of compliance with site development standards (stormwater control, landscaping, paving, etc.), any modifications to the site would need to reduce the non-conformity, as reviewed by the Planning Director.

17.38.030 Green Infrastructure & Low-Impact Development (LID).

Properties located in the Millwood Central Business District (CBD), as identified in the Millwood Comprehensive Plan, Appendix A, may utilize green infrastructure and LID practices, as approved by the Millwood City Engineer and in compliance with the Spokane Regional Stormwater Manual, as amended, to capture, filter, and infiltrate stormwater. Options may include permeable pavement, green roofs, rain gardens and bioretention areas, bioswales, rainwater harvesting, and downspout routing, in addition to the required urban tree canopy preservation, maintenance, and replacement requirements included in Millwood's Urban Forestry Management Plan.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 17.48 ESSENTIAL PUBLIC FACILITIES

17.48.010 Purpose.

The purpose of this chapter is to regulate the siting of Essential Public Facilities (EPFs) including Secure Community Transition Facilities (SCTFs) in order to promote the health, safety, and general welfare of the citizens of the City of Millwood, and to establish reasonable and uniform regulations to prevent the adverse effects of the siting of EPFs and SCTFs within the city. In enacting this chapter, it is not the intent of the city ~~council~~ to restrict rights of individuals protected by State or Federal Constitutions. It is the intent of the city ~~council~~ to protect the life, safety, and public welfare of the citizens of the City of Millwood.

(Ord. No. 527, § 1, 6-14-2022)

17.48.020 Applicability.

The standards established in this chapter apply to all Essential Public Facilities (per RCW 36.70A.200) which make application to the city after completion of the Spokane County Regional EPF Siting Process.

(Ord. No. 527, § 1, 6-14-2022)

17.48.030 Reserved.

17.48.040 Limitations.

The standards established in this chapter shall not be construed to restrict or prohibit the rights of individuals protected by State or Federal Constitutions.

(Ord. No. 527, § 1, 6-14-2022)

17.48.050 Location of EPFs.

EPFs as defined herein shall be allowed in ~~zoning districts~~zones as set forth in Title 17 and as set forth below:

UR-1	SCTFs.
UR-2	SCTFs.
C-1	Education facilities, community centers, SCTFs, correctional facilities, and social service facilities.
C-2	Educational facilities, community centers, and SCTFs.
I-1	Correctional facilities, airport facilities, community centers, parks and recreation facilities , SCTFs, solid waste facilities, <u>organic materials management facilities</u> , wastewater facilities, and water facilities.
<u>I-2</u>	<u>SCTFs (refer to MMC 17.34.010) & Utilities</u>
PR -1	Public safety facilities, parks and recreation facilities, community centers, and water facilities.
Allowed in all zones:	Transportation facilities.

(Ord. No. 527, § 1, 6-14-2022)

17.48.060 EPF permitting.

The permitting of all EPFs shall be in accordance with the conditional use process in Chapter 17.44.070—130. After required public hearings, EPFs may be conditioned to assure the public's health, safety, and welfare.

(Ord. No. 527, § 1, 6-14-2022)

17.48.070 Secure community transition facilities.

Secure Community Transition Facilities (SCTF) may be permitted in all ~~zoning districts~~zones, with the exception of ~~PR-1 public reserve area-district~~zone, by conditional use permit. In no case shall a SCTF be sited adjacent to, immediately across the street or parking lot from, or within the line of, sight of risk potential land uses in existence at the time a site is listed for consideration. Distance shall be measured from the nearest property line of the risk potential land use to the nearest property line of the SCTF. "Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. After an open-record public hearing, ~~by the planning commission, the city council~~the decision body may impose conditions upon the siting of SCTFs. For the purposes of granting a conditional use permit for siting a SCTF, the ~~city council~~decision body shall consider an unobstructed visual distance of six hundred (600) feet to be "within line of sight." Reasonable conditions of approval may be required, however, conditions imposed must not be more restrictive than state law allows. Through the conditional use permit process, "line of sight" may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the sight to less than six hundred (600) feet.

(Ord. No. 527, § 1, 6-14-2022)

17.48.080 Limitations of liability.

None of the provisions of the chapter are intended to create a cause of action or provide the basis for a claim against the city, its officials or employees through the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

(Ord. No. 527, § 1, 6-14-2022)

APPENDIX A DEFINITIONS

For the purpose of this title, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. Words not defined in this section shall be construed as defined in Title 1 or Title 15 of this Code, if defined therein, per WA State Law, per Appendix A of the City Comprehensive Plan, or per Merriam Webster Dictionary.

In the event of a conflict between the ~~two~~ MMC titles, Title 17 of this Code shall prevail.

"Accessory Dwelling Unit (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. (per RCW 36.70A.696(6)).

"Accessory use or building" means a subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building, such as a private garage.

"Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation. (per RCW 36.70A.030).

"Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way. (per RCW 36.70A.030).

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. (per RCW 36.70A.030).

"Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan. (per RCW 36.70A.030).

"Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, clothing store, or novelty shop which as one of its principal business purposes offers for sale or rent for any form of consideration, any one or more of the following:

- A1.** Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activity or any specified anatomical areas; or

Title 17 - ZONING
APPENDIX A DEFINITIONS (DRAFT 2/19/26)

- B2.** Instruments, devices, clothing, or paraphernalia designed for use in connection with any specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult entertainment" means and includes any of the following:

- A1.** Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas; or
- B2.** Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facilities" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home (AFH)" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- A1.** Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos cassettes, slides or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
- B2.** Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- C3.** Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

- A.** For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

- B. For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit (RCW 36.70A.545).

"Agriculture (Urban)" means utilizing open space for garden cultivation, orchards, beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers, consistent with Blue Zone principles. Marijuana and similar production are excluded from agriculture (urban).

"Alley" means a vehicular right-of-way not over twenty (20) feet in width.

"All lots zoned predominantly for residential use" means all zones in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radiofrequency signals.

- A. Omni-directional antenna is an antenna that sends or receives signals equally in all directions
- B. Directional antenna (also known as a "panel" antenna) transmits and receives radiofrequency signals in a specific directional pattern of less than three hundred sixty degrees.
- C. Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radiofrequency communications signals in a specific directional pattern.

~~**"Apartment house"** means any building or portion thereof that contains three or more dwelling units and may also include residential condominiums.~~

"Auto camp" means any plot of ground where accommodation is provided for two or more families of motorists or travelers to establish temporary or semipermanent residences in tents, automobile trailers, house cars, recreational vehicles or other portable or temporary habitations.

"Auto court" means any multiple-family dwelling or groups of dwellings which are designed or intended for the temporary or semipermanent residence of motorists or travelers.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully

automated process, which meets or exceeds any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Billboard" means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

"Blue Zone principles" means general guiding concepts, principles and patterns for designing and building model healthy communities to influence both individual and community health (<https://www.bluezones.com>). The twelve (12) Blue Zone principles are:

- A. People First Design - People, human-scale and quality-of-life trump speed and efficiency of autos. Designs and features of well-planned districts accommodate cars, but give greatest support and incentive to people on foot. Pedestrians receive highest support, followed by transit, bikes, freight, and then cars.
- B. Active Transportation is the Natural Choice - Walking and active movement are not only the natural choice, but the unavoidable choice. People walk and are active a minimum of one-hour per day, by design.
- C. High Bump-into-it-iveness - Mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement. A diversity of people live at this location (diverse in lifestyle, economic and social levels). Bumping into others happens naturally, through design of streets, open buildings and beautiful public spaces. Each building, block, park, other element or system creates natural engagement.
- D. Social Engagement is Easy - Layout and design of buildings and open spaces maximizes easy and natural mixing of people. No individual living in the community needs to walk more than 1,000 feet to engage others in a public setting.
- E. Green Design Enhances Everyday Life - The built environment is in harmony with the natural environment by featuring biophillic designs. To the maximum extent possible, all people are surrounded by green environments, where they live, shop, work and play; and people do not have to walk more than 1,000 feet to find a public gathering place. Trees and other natural elements are dominant features of all landscapes, helping address multiple needs of local aesthetics, environmental health, air quality and climatic (summer/winter) variations.
- F. Auto-Dependency is Reduced - Auto-Dependency is low to non-existent for many. Incentives for driving are no longer dictating the architecture and placement of buildings. Parking is un-bundled, metered and managed. Ideally, parking is placed at the edges, and most people enjoy walking to their vehicles as part of their more active lifestyles.
- G. Transit is Easy, Convenient and Comfortable - A variety of transit options and desirable walking routes to transit are featured. Options might include trolleys, trams, buses and water taxis. Intermodal stations are convenient, welcoming, comfortable and well connected. Transit is not just competitive to other modes, it makes possible, efficient, comfortable and enjoyable movement.
- H. Pavement is Minimized - Use of non-porous materials in streets, parking lots and other features is minimized. Potential water and pollution runoff, solar heat traps and auto-centric designs are minimized. Sustainable cities attracting the greatest number of new jobs, such as Seattle, now have an active "pavement to parks" program.

Title 17 - ZONING
APPENDIX A DEFINITIONS *(DRAFT 2/19/26)*

- I. Paths and Walkways - Paths (and low-volume streets) lead to activity centers, transit stops and other places of reward. Alignment of streets celebrates landmark places (natural and man-made). Individuals find it comfortable, easy, rewarding and memorable to walk, bike and travel to featured landmarks.
- J. Open Space - To the maximum extent feasible use nature to define districts. "Cities should not contain parks; parks should contain cities." – Frederick Law Olmsted
- K. Recreational Experiences can Happen Naturally - Places for play and social exchange are convenient, but natural play, rich in discovery, is also featured in streetscapes, parks, along trails or in plazas. Organized sports are accessible by trails and placed on perimeters, so these organized play fields do not overly-consume precious land and resources. Parking is on-street, not in the park.
- L. Community Streets - Use transportation to build the community, not divide it. Build streets to add value and livability to adjacent properties. The first priority of commercial streets is to maximize retail and social exchange.

"Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority (RCW 36.70A.200).

"Bus station area" means all lots that are:

- A. Fully within an urban growth area; and
- B. Fully or partially within one-quarter mile walking distance of a stop on a fixed route bus system that is designated as a bus rapid transit stop in the transit development plan as required in RCW 35.58.2795, for which an environmental determination has been issued as required under chapter 43.21C RCW, and that features fixed transit assets that indicate permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority. (per RCW 36.70A.030).

"Camouflage/conceal" means to disguise by using vegetation or other surface textures and colors; to place out of the public view.

"Changeable sign" means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

- A. "Electrically activated." Changeable sign whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.
- B. "Manually activated." Changeable sign whose message copy or content can be changed manually.

"Charging level" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- A. Level 1 is considered slow charging requiring a fifteen or twenty amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is considered medium charging requiring a forty amp to one hundred amp breaker on a 208- or 240-volt AC circuit.

- C. Level 3 is considered rapid charging requiring a sixty amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

"Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites. (per RCW 36.70A.535). Co-living housing is allowed on lots that allow at least six multifamily residential units, including on a lot zoned for mixed-use development.

"Co-location" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Comprehensive land use plan / comprehensive plan or plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to RCW Chapter 36.70a.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and survey map and plans have been recorded pursuant to chapter 64.34 RCW.

"Contractor yard" means a lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor, including plumbing, mechanical, and electrical or similar contractors.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. (per RCW 36.70A.030).

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court. (per RCW 36.70A.030).

"Daycare / child day care center / child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours (per RCW 43.216.010).

"Daycare (in home) / family day care provider / family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692 and RCW 43.216.010(2)(m), (per RCW 43.216.010).

"Development" means an improvement of a site or structure excluding normal maintenance and repair when the original floor area is increased more than thirty percent; when more than fifty percent of the original building area is replaced; or when over fifty percent of the facade is changed.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Duplex" means a residential building with two attached dwelling units.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation. (per RCW 36.70A.696(1)).

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

- A. Battery electric vehicle (BEV). Any vehicle that operates exclusively on electrical energy from an off-board source, that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- B. Plug-in hybrid electric vehicle (PHEV). An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- C. Neighborhood electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500; and
- D. Medium-speed electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.
- E. Provisions may also be made for facilities to support "Electric scooters and motorcycles"—Any two- or three-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle charging station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. (RCW 36.70A.030).

"Emergency Shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. (RCW 36.70A.030).

"Enclosure" means a room, cabinet or building used to house equipment for utility or service providers.

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits. (per RCW 36.70A.030).

"Essential public facility" means the essential public facilities (EPFs) of a state and regional nature, and has the meaning as defined in the Millwood comprehensive plan and these facilities shall be conditional uses in the zones in which they are allowed. The planning commission shall designate the most appropriate zones for each facility determined to be an EPF that is not listed in this title. Before issuance of a conditional use permit for an EPF, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the Spokane County regional siting process for essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. (also see Local essential public facilities).

"Existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units (per RCW 35A.21.440 - New housing in existing buildings).

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for the other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depict sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

"Family" means any group of people living together as a single housekeeping unit, regardless of blood or marriage (aligns with fair housing standards and state law including RCW 36.70A.030). ~~any number of individuals related by blood or marriage or not more than five unrelated individuals living together in a single dwelling unit.~~

"Farmers market" means a market in which farmers and growers sell produce directly to consumers on a seasonal basis. Secondly, the farmers market may also include prepared food, crafts and other goods handmade by the vendor.

"Fiveplex" means a residential building with five attached dwelling units.

"Flanking street" means a yard extending from the front yard to the rear yard except in the case of a corner lot when the side yard on the flanking street shall extend to the rear property line.

"Floor area ratio" means a measure of development intensity equal to building square footage divided by the developable property square footage. Developable property excludes public facilities and portions of lots with critical areas and critical area buffers as designated in RCW 36.70A.060, except for critical aquifer recharge areas

where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. (per RCW 36.70A.030).

"Fourplex" means a residential building with four attached dwelling units.

"Front lot line" means the line separating any lot or parcel of land from a street right of way. On a through or interior lot, the line abutting the street or driveway providing primary access to the lot is the front lot line. On corner lots, the property line that is not considered to be the front lot line shall be the flanking lot line.

"Front property line" means the front line as shown upon the official plats of the property.

"Front yard" means an open unoccupied space on the same lot with a building, between the front line of the building and the front property line.

"Garage" means a building or portion of a building in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

"Government facility" means any property that is owned or significantly controlled by the government.

"Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater. (per RCW 36.70A.030).

"Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- A. Is accessible to the public;
- B. Promotes physical and mental health of residents;
- C. Provides relief from the urban heat island effects;
- D. Promotes recreational and aesthetic values;
- E. Protects streams or water supply; or
- F. Preserves visual quality along highway, road, or street corridors. (per RCW 36.70A.030).

"Group homes, group-care homes":

"Group-care homes, Class I" means state-licensed foster homes for children, (not including nursing homes), homes for handicapped and the mentally ill, and homes for those with developmental disabilities, including adult family homes (AFH) regulated under RCW 70.128. Group-care homes, Class I are sub-classified as follows:

- A1. Group-care homes, Class I-A. A maximum of six residents or up to eight for AFH and two resident staff;
- B2. Group-care homes, Class I-B. A maximum of twelve residents and resident staff;
- C3. Group-care homes, Class I-C. A maximum of twenty residents and four resident staff.

"Group-care homes, Class II" means state-licensed group-care homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional institutionalization, and residential rehabilitation centers for current abusers of alcohol and drugs. Group-care homes, Class II, are sub-classified as follows:

Title 17 - ZONING
APPENDIX A DEFINITIONS (DRAFT 2/19/26)

- A1. Group-care homes, Class II-A. A maximum of six residents and two resident staff;
- B2. Group-care homes, Class II-B. A maximum of ten residents and two resident staff;
- C3. Group-care homes, Class II-C. A maximum of twenty residents and four resident staff.

"Harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services (RCW 36.70A.200).

"Height / Building height," for the purpose of this chapter, is measured from average grade level to the highest point of a structure except that television antennas, chimneys and similar appurtenances shall not be used in calculating height.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

"Impervious" means ground surfaces and coverings composed of water-impenetrable materials such as asphalt concrete, brick, stone or rooftops.

"Improved street" means a public street, highway or avenue in the city which has been dedicated and open to public use and which has been improved with asphalt or concrete.

"Laundromat" means a self-service facility providing machines for washing and drying of clothes and personal items.

"Local essential public facilities (LEPFs)" mean those facilities providing a needed public service affecting or potentially affecting only residents and/or property within the jurisdiction in which they are located such as elementary schools, fire stations, and municipal parks. LEPFs shall be permitted through the conditional use process, if it is determined that they will have a negative impact on the health, safety, and public welfare inside of or outside of the municipal boundaries. The impact determination shall be based upon the review of an environmental checklist as required by the State Environmental Policy Act.

"Lot" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located (per RCW 36.70A.545).

"Low-intensity commercial" means the provision of those goods and services needed by residents. Those commercial and service establishments which because of their character contribute to, rather than detract from, the quality of residential use.

"Major transit stop" means (per RCW 36.70A.030):

- (a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, except for any stop that solely serves express bus service or serves express bus service and other bus services not otherwise meeting the definition of major transit stop;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems; or
- (d) Stops on bus rapid transit routes, including those stops that are under construction.

"Major transit stop" means (as referenced for ADUs and Co-living housing only per RCW 36.70A.535(11)(b)):

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

(Also refer to definition for "Walking distance").

"Manufactured home" means a single-family residence constructed after June 15, 1976 and in accordance with state and federal requirements for manufactured homes.

"Manufactured/mobile home" means either a manufactured home or a mobile home.

"Manufactured/mobile home park" means a parcel under single ownership developed in such a way as to meet the requirements under this Code allowing for the placement of two or more individual manufactured homes, mobile homes or recreational vehicles on a lease or rental basis.

"Marijuana" means marijuana as defined in RCW § 69.50.101, as may be amended.

"Marijuana processor" means marijuana processor as defined in RCW § 69.50.101, as may be amended. A marijuana processor shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana producer" means marijuana producer as defined in RCW § 69.50.101, as may be amended. A marijuana producer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana-infused products" means marijuana-infused [products] as defined in RCW § 69.50.101, as may be amended.

"Marijuana retailer" means marijuana retailer as defined in RCW § 69.50.101, as may be amended. A marijuana retailer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. (per RCW 36.70A.030).

"Millwood approved manufactured home" means a manufactured home as defined in this section which:

- A1. Is comprised of at least two fully enclosed parallel sections each of which is not less than fourteen feet wide by forty feet long;
- B2. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- C3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

Title 17 - ZONING
APPENDIX A DEFINITIONS *(DRAFT 2/19/26)*

"Mixed-use development" means a group of densely configured structures planned and developed as a single entity and containing within and/or among them a variety of complementary, integrated, and/or supporting uses. The group as a whole must achieve physical and functional integration.

"Mixed-use structure" means a single structure containing at least two complementary, integrated, and/or mutually supporting uses. The structure must achieve physical and functional integration within itself.

"Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

~~**"Modular home"** means a structure constructed in a factory in accordance with the uniform building code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized" and "factory built" units.~~

~~**"Multifamily dwelling" or "apartment house"** means a building arranged to be occupied by more than two families and having separate baths and kitchens.~~

"Multi-Family or Multifamily Housing" means a building with six (6) or more attached dwelling units (also see Sixplex).

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

"New manufactured home" means any manufactured home required to be titled under RCW Title 46. which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

"Nursing Home" means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state of Washington. (also referred to as convalescent home).

"Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies (per RCW 70A.205.015).

"Other adult entertainment facilities" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration, including places of business which employ, contract with, lease or let space to those massage operators who are not licensed by the state of Washington. Provided however, that the following public institutions shall not be considered adult entertainment facilities; library, school, university, or other public educational or scientific establishment. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

Title 17 - ZONING
APPENDIX A DEFINITIONS (DRAFT 2/19/26)

"Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. (per RCW 36.70A.030).

"Parcel" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute (RCW 36.70A.812/815). These standards focus on creating an airtight, well-insulated building envelope with balanced ventilation to achieve up to 90% less heating/cooling energy usage than conventional construction.

"Permanent sign" means any sign which is not a temporary sign and which is not exempted as defined in this chapter.

"Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. (RCW 36.70A.030).

"Person" means any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, and governmental entity.

"Political sign" means a temporary sign intended to advance a political statement cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign.

"Portable sign" means any sign not permanently attached to the ground or to a building or building surface.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (per RCW 36.70A.030).

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (per RCW 36.70A.030).

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.

"Public way" means any public or private street, alleys, pathways, or similar feature which the public has a right of use.

"Real estate sign" means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

"Rear property line" means the property line of a lot most nearly parallel to the front property line of the same lot.

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

"Related wireless communications equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (RCW 36.01.290 / RCW 36.70A.545). Also referred to as Church.

"Residential / Commercial Mixed Use" means a type of building or development that blends residential units with commercial spaces (retail, offices, restaurants, etc.) where at least 25% of the project is residential and at least 25% of the project is commercial. There are three (3) forms of residential/commercial mixed use:

"Vertical Mixed-use Developments" have different uses stacked vertically in a single building. The ground floor typically hosts retail or restaurants, with residential or office spaces above.

"Live-Work Buildings" are mixed-use structures that integrate residential living space with a dedicated, non residential workspace (such as an office, studio, or retail shop) within a single unit or building.

"Horizontal Mixed-use Developments" have different uses spread horizontally across different buildings and spaces within a single parcel or multiple parcels within a project.

"Risk potential land uses" mean those risk potential activities or facilities in existence at the time a site is listed for consideration. Risk potential activity or facility means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from a special commitment center. The following are risk potential land uses:

- ~~A1.~~ Public libraries;
- ~~B2.~~ Public parks;
- ~~C3.~~ Publicly dedicated trails;
- ~~D4.~~ Sports fields;
- ~~E5.~~ Playgrounds;
- ~~F6.~~ Recreational and community centers;
- ~~G7.~~ Public or private schools;
- ~~H8.~~ School bus stops;
- ~~I9.~~ Licensed day care and licensed preschool facilities;
- ~~J10.~~ Places of worship such as churches, mosques, synagogues and temples; and
- ~~K11.~~ Any other risk potential land use identified in siting criteria by the department of health and social services with respect to siting a SCTF.

"Secure community transition facilities (SCTFs)" mean those residential facilities as defined in RCW § 71.09.020. A SCTF shall be sited, maintained and operated in accordance with local regulations and in accordance with RCW Ch. 71.09.

"Senior independent housing" means any residential housing that is advertised, maintained, designed, or constructed for the express or implied purpose of providing housing for persons 55 years of age or older who are independent and do not require assistance with activities of daily living. Senior independent housing is typically designed to enable seniors to live on their own, but with the security and convenience of community living, that

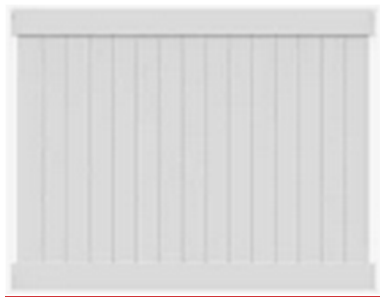
may include recreational, educational, and social activities. Does not include facilities that provide medical care or assistance with activities of daily living, such as assisted living facilities, nursing homes, long-term care facilities, or other similar living arrangements.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Shared parking" means parking spaces where two or more uses on the same or separate sites are able to share the same parking spaces. Parking spaces must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.

"Sight-obscuring fence" means a fence, at least six (6) ft. tall, which provides complete visual separation and is used where complete screening is needed.



Sight-obscuring fence

vs.



Partially sight-obscuring fence

"Sign" means any structure, graphic, symbol, words, letters or object used to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

"Single-family dwelling" means a structure arranged or designed to be occupied by not more than one family. Single-family dwelling does not include tents, trailers, recreational vehicles, campers or other temporary structures.

"Single-family zones" means those zones where single-family detached residences are the predominant land use. (per RCW 36.70A.030).

"Sixplex" means a residential building with six attached dwelling units.

"Sleeping unit" means a single unit within co-living housing that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units (per 2021 International Building Code, Section 202 Definitions). A sleeping unit is a standalone bedroom and does not have the full features of a dwelling unit. Sleeping units are not required to have closets, bathrooms or kitchens; however, private bathrooms and kitchenettes may be provided. There must be at least one shared kitchen facility for sleeping units to be considered co-living housing, per RCW 36.70A.535(11)(a).

"Social service facilities" means an essential public facilities category which includes inpatient substance abuse/mental health facilities, opioid treatment programs, and similar facilities.

"Special or periodic event" means an event which occurs once (special, for example a music performance event) or on a regular schedule (periodic, for example a weekly farmers market) not more frequently than once each week.

"Specified anatomical areas" means and includes any of the following:

- A1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activity" means and includes any of the following:

- A1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- C3. Masturbation, actual or simulated; or
- D4. Excretory function as part of, or in connection with, any of the sexual activities specified in this definition.

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. (per RCW 36.70A.030).

"Stealth facility/concealed antennas" means any communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

"Story" has the meaning as defined in the adopted building code of the city. Refer to zoning for setbacks related to story / height.

"Temporary sign" means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, including real estate signs, special event signs and portable signs.

"Tier 3 city" means a city with a population of less than 25,000, that is within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates (City of Millwood is a Tier 3 city).

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. (per RCW 36.70A.030).

"Trailer park" means any plot of ground where accommodation is provided for two or more families to establish temporary or semipermanent residences in automobile trailers, house cars, recreational vehicles or other portable or temporary habitations, whether the wheels have been removed from such portable habitation or not.

"Transitional Housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (RCW 84.36.043(3)(c)).

"Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider. (per RCW 36.70A.030).

"Trent Frontage" means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel.

"Triplex" means a residential building with three attached dwelling units.

"Two family dwelling" or "duplex" means a building arranged to be occupied by two families and having separate baths and kitchens.

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size. Also referred to as unit per lot and unit per lot density. (Refer to Millwood Comprehensive Plan Bulk Density Standards).

"Upper-level setback" means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

"Urban governmental services / urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas. (per RCW 36.70A.030).

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (per RCW 36.70A.030).

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110. (per RCW 36.70A.030).

"Usable marijuana" means usable marijuana as defined in RCW § 69.50.101, as may be amended.

"Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. "Vulnerable populations" includes, but is not limited to:

- A. Racial or ethnic minorities;
- B. Low-income populations; and
- C. Populations disproportionately impacted by environmental harms. (per RCW 36.70A.030).

"Walking distance" means utilizing a path finding method or walking route from a location (i.e. major transit stop) to a location (such as a residence) based on the local street network and other pedestrian routes such as off-street trails. All lots which touch the path / route are considered walking distance.

"Warehouse" means a structure in which more than fifty percent of the ground floor area is utilized for the storage of products, which is not the office or showroom area of the building.

"Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels. (per RCW 36.70A.030).

"Window sign" means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment. Two types of wireless communication facilities include:

- A. **"Type I facility"** means an attached wireless communication facility which consists of antennas equal to or less than four feet in height and with an area of not more than four hundred eighty square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel) as viewed from any one point. The permitted antenna height includes the wireless communication facility support structure.
- B. **"Type II facility"** means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

"Wireless communication support structure" means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

"Wireless telecommunication tower" means a structure such as a self-supporting tower, a guyed tower, or a monopole, which supports antennas and may include accessory facilities necessary for equipment storage and unmanned operations.

"Yard" means any type of open space on the lot adjacent to a building and does not refer to regulated setbacks. ~~that portion of a lot regulated by setbacks and designed as open space as regulated in this title.~~

(Ord. No. 536, § 1, 1-10-2023)

Chapter 18.08 CRITICAL AREAS

18.08.010 Title, purpose and intent.

- A. Title. This chapter shall be known and may be cited as the "Critical Areas Ordinance [\(CAO\)](#)."
- B. Purpose. The purpose of this chapter is to protect the functions and values of critical areas, which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. This is achieved by implementing the overall critical areas goals, and the specific goals and policies for critical areas using best available science, [in accordance with WAC 365-195, Part Nine \(Best Available Science\)](#). ~~At this time, fish and wildlife habitat, potential slide hazard areas, and critical aquifer recharge areas are the only identified critical areas identified in the Millwood comprehensive plan, Chapter 6 Land Use.~~ The specific ~~goals-priorities~~ for fish and wildlife habitat, potential slide hazard areas ([geologically hazardous areas](#)), and critical aquifer recharge areas are listed in this section. [Refer to Section 18.14.100 of the Millwood Municipal Code for regulation of frequently flooded areas, wetlands, and upland buffers for critical areas within shoreline jurisdiction. Wetlands in the City of Millwood are generally found only within shoreline jurisdiction; however, if wetlands are found outside of Millwood's shoreline, they would be regulated through the applicable provisions found in Section. MMC 18.14.100.](#) Furthermore, it is expressly the purpose of this chapter to protect the health, safety and welfare of the general public.
1. Fish and Wildlife Habitat Conservation Areas.
 - a. Conserve fish and wildlife habitat areas for the management and maintenance of fish and wildlife resources as the city recognizes the role these areas play in the local ecosystem.
 - b. Conserve fish and wildlife habitat areas for public health, safety and well-being and for the aesthetic value they bring the community.
 - c. It is also important to ensure that priority fish and wildlife species, as identified by the Washington Department of Fish and Wildlife, and species of local importance, do not become increasingly imperiled due to land use changes, habitat alteration, and other human activities, [including conservation or protection measures necessary to preserve or enhance anadromous fisheries, if they are restored to the Spokane River within the Millwood area.](#)
 2. Potential Slide Hazard Areas / [Geologically Hazardous Areas](#).
 - a. Development should be restricted or discouraged in potential slide hazard areas ([geologically hazardous areas](#)), unless it can be demonstrated through special review that a hazard area can be developed consistent with public health and safety. Development permits may be conditioned to mitigate certain hazards.
 - b. Potential slide hazard areas ([geologically hazardous areas](#)) may be used as open space for recreational or wildlife habitat and other uses as appropriate.
 3. Critical Aquifer Recharge Areas.
 - a. Protect the city's drinking water source by protecting groundwater quality from development impacts. Prevent degradation of groundwater quality for Millwood and Spokane County.
 - b. Have an adequate amount of area available on each parcel to allow stormwater to properly filter and drain and require stormwater management on site.

- c. Strictly regulate uses, and if necessary, restrict the use and storage of fertilizers or chemicals on site.
4. General Purpose of this Chapter. In addition to the purpose as set forth in subsection B of this section, the following are general purposes of this chapter:
- a. To protect the public health, safety and welfare by preserving, protecting, restoring and managing, through the regulation of development and other activities, within fish and wildlife habitat conservation areas, potential slide hazard areas [\(geologically hazardous areas\)](#), and critical aquifer recharge areas;
 - b. To recognize fish and wildlife habitat conservation areas, ~~and~~ potential slide hazard areas [\(geologically hazardous areas\)](#), and critical aquifer recharge areas as important natural resources which provide significant environmental functions and values including: vital importance to critical fish and wildlife habitat, surface and ground water quality, aquifer recharge, shoreline anchorage and erosion control, scientific research and education, open space, aesthetic values, historic and cultural preservation, passive recreation and contribute to quality of life currently enjoyed by citizens of Millwood;
 - c. To maintain consistency with state and federal protective measures;
 - d. To avoid duplication and over-regulation by limiting regulatory applicability to those developments and activities with significant impacts;
 - e. To minimize impacts of regulation on private property rights;
 - f. To identify and protect fish and wildlife habitat conservation areas, potential slide hazard areas [\(geologically hazardous areas\)](#), and critical aquifer recharge areas without violating any citizen's constitutional rights, [and to restore habitats to a highly functioning condition wherever possible](#);
 - g. To alert appraisers, assessors, owners and potential buyer or lessees of property to the development limitation within fish and wildlife habitat conservation areas and potential slide hazard areas [\(geologically hazardous areas\)](#);
 - h. To prevent degradation of critical aquifer recharge areas.
 - i. [To preserve the existing functions and values of critical areas during development and if avoidance is not possible, then compensatory mitigation will be required to achieve a no net loss of the functions and values of the ecosystem that includes the impacted or lost critical areas.](#)
 - j. [To utilize the expertise of agencies such as Washington Department of Fish and Wildlife \(WDFW\) regional habitat biologists; Washington Department of Ecology \(Ecology\) regional wetlands specialists, flood program managers, and groundwater protection specialists; Washington Department of Natural Resources \(WDNR\) geology staff and aquatic program regional managers; and Washington Department of Health Office of Drinking Water staff, and other subject matter experts concerning best available science and current management recommendations for priority habitats and species, including conservation or protection measures necessary to preserve or enhance anadromous fisheries.](#)
- C. Intent.
1. The intent of these regulations is to avoid, or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting fish and wildlife habitat conservation areas, potential slide hazard areas [\(geologically hazardous areas\)](#), and critical aquifer recharge areas; and to maintain and enhance the biological and physical functions and values of these areas.

2. It is recognized that land development will not always be compatible with preservation of fish and wildlife and their habitats. Some wildlife will be eliminated as development occurs. It is the intent of these regulations to preserve wildlife when possible through thoughtful planning and consideration of wildlife needs.
3. It is the intent of these regulations to allow development in potential slide hazard areas [\(geologically hazardous areas\)](#) only when hazards can be mitigated to protect the public health, safety and general welfare.
4. In addition, the intent of these regulations is to recognize that property rights and public services are an essential component of our legal and economic environment. Where such rights and public services are seriously compromised by the regulations contained in this chapter, impacts may be permitted provided there is appropriate mitigation.

(Ord. 350 (part), 2005)

(Ord. No. 390, § 1, 12-7-2009)

18.08.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Activity or activities" See "regulated activity."

"Agricultural land" is land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. These lands are referred to in this chapter as agricultural resource lands to distinguish between formally designated lands, and other lands used for agricultural purposes. (WAC 365-190-030).

"Anadromous Fish" refers to those fish that migrate from freshwater rivers to the ocean and back to spawn in their natal streams, including the five species of Northwest salmon, steelhead, and certain bull trout. *(Due to construction of dams, the Spokane River lost it's anadromous fish; however salmon restoration efforts have been underway since 2015.)*

"Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed regulated activity would be located, or is the authorized agent of the owner.

"Best Available Science (BAS)" means information produced through a valid scientific process that WDFW or another local, state or federal agency has determined represents the best available science consistent with criteria set out in WAC 365-195-900 through -925. WDFW's PHS information is considered a source of BAS. (WDFW Vol 2)

"Biosolids" means municipal sewage sludge that is a primary organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. Biosolids includes materials derived from biosolids, and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under WAC Chapter 173-308. For the purpose of this chapter, semisolid products include biosolids or products derived from biosolids ranging in character from mostly liquid to fully dried solids.

"Buffer area" means a designated area along the perimeter of a fish and wildlife habitat or other critical area which is regulated to minimize impacts of adjacent activities and uses from intruding into the aquatic resource.

"Building envelope" means an area where regulated activities and uses are confined.

"Council" means the Millwood city council.

"Critical aquifer recharge areas" means [areas with a critical recharging effect on aquifers used for potable water, including](#) areas where ~~there is~~ an aquifer that is a source of drinking water that is vulnerable to contamination that would affect the potability of the water, [or is susceptible to reduced recharge](#). (WAC 365-190-030).

"Critical areas" include the following areas and ecosystems [\(WAC 365-190-030\)](#):

1. Wetlands,
2. Areas with a critical recharging effect on aquifers used for potable water [\(Critical aquifer recharge areas\)](#);
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas [\(also referred to as Potential Slide Hazard Areas\)](#).

Identified critical areas are further defined in the Millwood comprehensive plan.

"Critical material (critical material list)" means a substance present in sufficient quantity that its accidental or intentional release would result in the impairment of one or more of the beneficial uses of aquifer water. Current beneficial uses of aquifer water include, but are not limited to, domestic and industrial water supply, agricultural irrigation, stock watering and fish raising. The critical materials list is set forth in Chapter 3.15, as amended, of the Spokane County Code (adopted by reference). The list includes the names of specific chemicals and classes of chemicals which, based on current criteria and standards, are known to affect the beneficial uses of water.

"Critical materials handbook" means a document prepared specifically to assist in the administration of this chapter, containing examples of best management practices, which may be employed to meet the performance standards of this chapter, as associated with critical materials.

"Critical materials use activity" means an activity or land use which has been determined to use, transport or store a critical material.

"Dedication" means conveyance of land to the city or other not-for-profit entity by deed or other instrument of conveyance.

"Department" means the planning department of the city of Millwood.

"Developable area" means land outside of any restricted area on a particular piece of property.

"Development" means any construction or expansion of a building, structure, or use; any change in use of a building or structure or changes in the use of land that require any development permit from the city of Millwood.

"Director" means the official of the city of Millwood designated to carry out planning functions or his/her authorized designee.

"Documented habitat" means habitat where endangered, threatened, sensitive species or species of local importance have been "documented" or are known to exist as confirmed by state or federal agencies.

"Ecosystem" means a [spatially explicit unit of the Earth that includes all of the organisms, along with all components of the abiotic environment. Ecosystems have composition, structure, and functions. \(WDFW Vol 1\).dynamic and interrelating complex of plant and animal communities and their associated environment.](#)

"Enforcement authority" means the city of Millwood departments as applicable.

"Enhancement" [is the manipulation of the physical, chemical, or biological characteristics of habitat to heighten, intensify, or improve a specific ecosystem function\(s\). Enhancement results in the gain of selected](#)

habitat function(s) but may also lead to a decline in other ecosystem function(s). Enhancement does not result in a gain in habitat area. (WAC 173-700-104).

"Erosion" means the wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil and/or ice.

"Erosion hazard areas" are those areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include coastal erosion-prone areas and channel migration zones. (WAC 365-190-030)

"Exotic" means any species of plants or animals that are foreign to the planning area.

"Extraordinary hardship" means that the strict application of the provisions of this chapter and/or rules adopted to implement this chapter would prevent all reasonable use of the property.

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. (WAC 365-190-030). Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. defined in WAC 365-190-080 (5) as "fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region."

"Fish and wildlife habitat conservation areas" include:

1. Areas with which primarily endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Waters of the state;
4. Rivers planted with game fish by a governmental or tribal entity;
5. State natural area preserves and natural resources conservation areas;
6. Wildlife corridors and landscape linkages;
7. Candidate and monitored species;
8. Priority habitats and areas in which priority species have a primary association as identified by the department of fish and wildlife (WDFW) in the priority habitat and species lists; priority habitats as identified by WDFW are areas with one or more of the following attributes: comparatively high wildlife density, high wildlife species richness, significant wildlife seasonal ranges, wildlife travel corridors, limited availability and/or highly vulnerable habitat. Priority habitats in Millwood include riparian areas and urban natural open space.

"Forest land" is land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. These lands are referred to in this chapter as forest resource lands to distinguish between formally designated lands, and other lands used for forestry purposes. (WAC 365-190-030).

"Frequently flooded areas" are lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface. (WAC 365-190-030). *Refer to Section 18.12.200 - Definitions of the City's Shoreline Master Program.*

"Geologically hazardous areas" are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. (RCW 36.70A.030 & WAC 365-190-030).

"Grading" means excavation or fill or any combination thereof, including but not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

"Hearing body" means the individual, committee, or agency designated by the council to conduct public hearings and render decisions on subdivisions, amendments, variance permits, conditional uses, appeals and other matters as set forth in the Millwood ~~zoning code~~ Municipal Code.

"Impervious surface" is a surface that resists or prevents water infiltration, e.g., roofs of houses, roadways. (WDFW Vol 2).

"Landscape linkages" mean a movement corridor in which the complete range of community and ecosystem processes continue to operate through time. Plants and small animals are able to move between larger landscapes over a period of generations.

"Landslide hazard areas" are areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. (WAC 365-190-030).

"Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of land. Long-term commercial significance means the land is capable of producing the specified natural resources at commercially sustainable levels for at least the 20-year planning period, if adequately conserved. Designated mineral resource lands of long-term commercial significance may have alternative post-mining land uses, as provided by the Surface Mining Reclamation Act, comprehensive plan and development regulations, or other laws. (WAC 365-190-030).

"Maintenance." See definition of "repair or maintenance."

"Mitigation" means the use of any or all of the following actions listed in descending order of preference (WAC 197-11-768):

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures.

"Native vegetation" means vegetation on a site or plant species which are indigenous to the area in question; or if the site has been cleared, species of a size and type that were on the site or reasonably could have been expected to have been found on the site at the time it was cleared.

"Natural resource lands" means agricultural, forest and mineral resource lands which have long-term commercial significance. (WAC 365-190-030).

"Nonconforming development" means a use or structure which was lawfully constructed or established prior to the effective date of the ordinance codified in this chapter or amendments thereto, but which does not conform to present regulations or standards contained in this chapter.

"No net loss" means standards that are intended to limit the impacts from new development and other land uses by adopting a mitigation hierarchy to avoid, minimize, remediate, and offset negative impacts on ecosystems. (WDFW 2024).

"Noxious weeds" mean those plants which are nonnative, highly destructive and competitive as defined by RCW 17.10, as now or hereafter amended.

~~"Ordinary high water mark" means that mark on streams, lakes or water bodies that will be found by examining the bed and banks and ascertaining where the presence and action of waters are common and usual, and long continued in normal years, as to mark on the soil a character distinct from that of the abutting upland in respect to vegetation.~~

~~"Ordinary High-Water Mark (OHWM)" means that mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. It also can also be established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. (WAC 173-22-030(11))~~

"Owner" means any person having title to, a substantial beneficial proprietary interest in, or control of a building or property, including but not limited to a lessee, guardian, receiver or trustee, and the owner's duly authorized agent.

"Person" means a natural person, his/her heirs, executors, administrators or assignees, or a firm, partnership or corporation and its or their successors and assignees, or a governmental entity.

"Person aggrieved" means a corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, not in agreement with a decision made by the department or hearing body.

"Placeholder" means an area designated by the Washington State Department of Health to hold the place of a wellhead protection area for a well until completion of the wellhead protection plan.

"Pollution" means such contamination, or other alteration of the physical, chemical or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation or other aquatic life.

~~"Potential slide hazard areas" mean areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns- see Geologically hazardous areas.~~

"Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and have less impacts to wetlands. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

"Primary drainage basin" means the basin of the stream or tributary within which a project is proposed, not including basins of major tributaries.

"Priority habitats and species" mean a fish or wildlife habitat or species that has been identified by the Washington State Department of Fish and Wildlife in the priority habitat and species program or by the city of Millwood as a species of local importance.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (WAC 365-190-030).

"Publicly owned treatment works (POTW)" means a treatment works treating domestic sewage that is owned by a municipality, a county, the state of Washington, or the federal government.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (WAC 365-190-030).

"Qualified biologist" means the holder of a four-year degree in biology with an emphasis in fish and wildlife biology from an accredited university and at least two years field experience evaluating land use impacts on fish and wildlife species and their habitats.

"Qualified erosion or landslide specialist" means an individual or team that has both the academic qualifications and field experience to implement the provisions of this chapter.

"Qualified geologist" means a Washington state licensed geologist or hydrogeologist, or a geologist from another state with a license recognized by the state of Washington.

"Qualified wetlands specialist" means the holder of SWS (Society of Wetland Scientists) certification or has the equivalent in academic qualifications and field experience for making competent wetlands delineations and reports and recommendations necessary to implement the provisions of this chapter.

"Repair or maintenance repair" means to restore a development to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the resource or environment; maintenance means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

"Residential development" means only single-family, two-family, multifamily, manufactured and mobile home, community residential facility, and community treatment facility as defined in the Millwood zoning code, or as amended.

"Riparian" means the area adjacent to a water body (i.e., stream, river, lake, pond, bay, sea, ocean). Riparian areas are sometimes referred to by different names: riparian ecosystems, riparian habitats, riparian corridors, or riparian zones (WDFW Vol 1).

"Riparian buffer" refers to its purpose, which is to reduce or prevent adverse impacts to water quality, fisheries, and aquatic biodiversity from human activities occurring upslope of the buffer. Riparian buffers may also be called a riparian management zone (WDFW Vol 1).

"Riparian ecosystem" means transitional areas between terrestrial and aquatic ecosystems distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. (WDFW Vol 1)

"Riparian management zone (RMZ)" means the area that has the potential to provide full riparian functions. In many forested regions of the state, this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a CMZ is present, this occurs within one site potential tree height measured from the edges of the CMZ. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet (WDFW Vol 2).

"Riparian wetlands" mean the transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

"Serviceable" means presently usable.

"Site" means any lot or parcel of land or contiguous combination thereof, where activities are proposed, performed or permitted.

"Site-potential tree height (SPTH)" is the average maximum height of the tallest dominant trees for a given age and site class. Full riparian function occurs when trees reach their SPTH at age 200 (SPTH200; WDFW Vol 1).

"Species of local importance" are those species that are of local concern due to their population status or their sensitivity to habitat alteration or that are game species. (WAC 365-190-030).

"Subject property" means the site where an activity requiring a permit or approval under this ordinance will occur.

"Urban impact area" means that existing area which is affected by urban-type growth.

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. Urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (WAC 365-190-030).

"Utilities" mean enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

"Watercourse," "river" or "stream" means any portion of a stream or river channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state. Watercourse also means areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks that influence the quality of habitat downstream. Watercourse also means waters that flow intermittently or that fluctuate in level during the year, and the term applies to the entire bed of such waters whether or not the water is at peak level. A watercourse includes all surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans. (WAC 220-660-030).

"Water dependent" means a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations; such as, but not limited to bridges, marinas, dams for domestic/industrial water supply, flood control, and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices.

"Wellhead protection area (WHPA)" means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state department of health. (WAC 365-190-030).

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (RCW 36.70A.030 & WAC 365-190-030). Refer to Section 18.12.200 - Definitions of the City's Shoreline Master Program and regulations in Section 18.14.100.

"Wildlife corridor" means a landscape feature that facilitates the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic, including frequent foraging movements, seasonal migrations, or the once in a lifetime dispersion of juvenile animals. These are transitional habitats and need not contain all of habitat elements required for the long-term survival or reproduction of its migrants.

(Ord. 350 (part), 2005)

(Ord. No. 390, § 2, 12-7-2009)

18.08.030 General provisions.

- A. Applicability. This chapter shall apply to all incorporated areas of the city of Millwood. No action shall be undertaken by any person that impacts critical aquifer recharge areas or results in any alteration of a fish and wildlife habitat or potential slide hazard area ([geologically hazardous areas](#)) as defined in this chapter, except in conformance with this chapter. Uses and activities listed in Table 18.08.030A of this section are allowed in fish and wildlife habitat areas, potential slide hazard areas ([geologically hazardous areas](#)) and their buffer areas only if: (1) the use or activity is in compliance with the requirements of this chapter and (2) the use or activity is in compliance with all other applicable provisions of the Millwood Municipal Code. Uses and activities listed in Table 18.08.075B of this chapter shall conform to requirements in this chapter for protecting critical aquifer recharge areas. [Critical areas within the shoreline management area shall also comply with MMC 18.14.100, and other applicable portions of MMC Chapter 18.12, 18.14, and 18.16, including no net loss and compensatory mitigation requirements.](#)

Table 18.08.030A

Uses and Activities Permitted Without Millwood Review	Habitats	Potential Slide Hazard Areas (Geologically Hazardous Areas)
Aquatic vegetation management	P	NA
Passive recreation, scientific research	P	P
Conservation activities	P	P
Harvesting of wild crops	P	P
Noxious weed control	P	P
Open space, natural area	P	P

Road repair and maintenance	P	P
Signs (interpretive markers)	P	P
Utilities repair maintenance	P	P
Diseased vegetation removal	P	P
Water well pump house, wildlife blind, nesting structure	P	P
Single-family residence and accessory structures and decks	L	L
Single-family private access road/driveway	L	L
Building construction, public, commercial, industrial, recreational	L	L
Excavation, filling, grading <30 C cubic yards	L	P
Excavation, filling, grading >30 cubic yards	L	L
Dredging	L	NA
Road, expansion of existing corridor road or bridge	L	L
Road, new public, serving more than 1 residence	L	L
Pedestrian Equestrian/pedestrian/bike trail	L	P
Aquatic vegetation management	P	NA
Stormwater detention/ disposal facility	L	L
Utility facility	L	L
Lines utility transmission	L	L
Radio/TV towers	L	L
Parks, camps	L	L
Golf course	L	L

P = Permitted without Millwood [CAO](#) review under this chapter.

L = Limited Uses. These uses are allowed provided they comply with the standards of this chapter.

NA = Not applicable.

Note: Other uses and activities not listed may be allowed by the director subject to the purpose and intent of this chapter.

B. Coordination with Other Permit Processes.

1. This chapter does not require any permit in addition to those otherwise required by Millwood ordinances.
2. The performance standards and other requirements of this chapter shall be applied to uses and activities shown in Table 18.08.030A or Table 18.08.075B through any permit or approval process otherwise required by Millwood ordinances.

3. Uses and activities in a critical area or buffer for which no permit or approval is required by any other Millwood ordinance remain subject to the performance standards and other requirements of this chapter. However, this chapter does not require any review or approval process for such uses and activities.
 4. Millwood may approve, with conditions or deny any permit application for a use or activity listed in Table 18.08.030A or Table 18.08.075B in order to comply with the requirements of this chapter.
 5. Where the critical area regulations conflict each other, or with other laws, ordinances or programs, the most restrictive provisions shall apply.
- C. Process for Regulation of Fish and Wildlife Habitats, Potential Slide Hazard Areas (Geologically Hazardous Areas) and Critical Aquifer Recharge Areas.
1. The applicant shall make application to the city of Millwood for a development or land use permit.
 2. If the application involves a regulated use or activity, and it is in a critical area, then the applicant shall cause a field investigation and evaluation to be conducted. The purpose of the field investigation and evaluation is to determine whether the conditions listed in this ordinance with will afford sufficient protection and to determine the need for further information.
 - a. If it is found the ordinance affords sufficient protection the application will be conditioned.
 - b. If it is found additional information is needed, the applicant shall cause a potential slide hazard area (geologically hazardous area) mitigation plan or a fish and wildlife management plan to be prepared, as applicable, ~~and such~~ Such plan will list protection measures required or recommended and the permit shall be conditioned as necessary.
 3. ~~The appeal process follows the route of the associated permit. Appeals of administrative decisions regarding provisions of this chapter use the administrative appeal process contained within the Millwood zoning code.~~
- D. Fish and Wildlife Habitats, Potential Slide Hazard (Geologically Hazardous Areas), and Critical Aquifer Recharge Areas.
1. The Millwood planning department maintains maps of fish and wildlife habitats, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas to provide information to the public and to aid in the administration of this chapter. The maps are not regulatory in nature.
 2. The maps will be used to identify the possible existence of fish and wildlife habitats, potential slide hazard areas (geologically hazardous areas), and critical aquifer recharge areas. The maps in conjunction with site visits and other information will be used as a basis for requiring field investigations, such as fish and wildlife management plans, geotechnical studies and hydrogeologic reports. In the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail.
 3. Additions, corrections and periodic updates to the maps shall be made when new or additional information is available. Omission of a site from the map will not exempt the site from complying with the provisions of this chapter. When an interpretation is needed as to the existence of a fish and wildlife habitat, geohazard area and critical aquifer recharge areas, the director shall make such determination according to the criteria and characteristics contained in this chapter and consultation with an agency or agencies of expertise as deemed appropriate by the director.
- E. Compliance by Owners.
1. The obligation to comply with any requirements within the scope and provisions of this chapter is with the owner of the property or land.

F. Appeals.

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

- a. Following the appeal procedures of the associated application;
- b. [Appeal procedures for critical areas within shoreline management areas shall follow Chapter 18.12 of the Millwood Municipal Code;](#)
- ~~b.c.~~ If there is no associated application or appeal process, appealing to the Millwood hearing examiner using the following procedures:
 - i. A written notice of appeal shall be filed with the city of Millwood ~~rendering the decision~~ within fourteen (14) calendar days of the written decision.
 - ii. A fee shall accompany the notice of appeal equal to the fee charged for appeals of other administrative decisions by the city of Millwood.
 - iii. Upon receipt of the notice of appeal and the fee, an open record hearing date shall be determined. Notice for the hearing shall be given pursuant to the notice of hearing requirements for appeals of administrative decisions contained in ~~Chapter Title 17-14~~ of the Millwood Municipal Code.
 - iv. Notice of the hearing examiner's decision on the appeal or regarding any request for reconsideration, shall be provided by certified mail to the appellant, and by first class mail to parties of record, and to the department whose administrative decision was appealed.
 - v. The hearing examiner decision on any appeal shall be final and conclusive, and given the effect of a final decision by the council.
 - vi. A party with standing may appeal the hearing examiner's decision pursuant to subsection (F)(2) of this section.

2. Appeal of a Decision by the hearing examiner.

- a. Appeals of a hearing examiner decision shall be provided for by appeal to the Spokane County superior court.
- b. Pending completion of all conditions of approval which need to be completed prior to permit issuance, permits can be released prior to the lapse of the appeal period; provided, that the city has no liability for expenses, delays, or inconvenience incurred by the applicant if the project/proposal is overturned or altered upon appeal.

- G. Nonconforming Provisions. The provisions of ~~chapter 17.28 of the city zoning code~~[Chapter 17.38 of the Millwood Municipal Code](#), as amended, shall apply in determining the nonconforming status of a lot, use, building or structure under the provisions of this chapter.

- H. Amendments. The council, the planning commission, a municipal department or an interested person, may initiate an amendment to this chapter. Amendments to this chapter shall be consistent with the Millwood comprehensive plan. In the case of an amendment initiated by an interested person, the department shall collect a fee to cover normal processing and the cost of legal notices as identified in the department fee schedule for ~~a "comprehensive plan~~ [amendments.](#) Such an amendment may be adopted, modified or denied by the ~~council~~[council following the procedures for amendments to development regulations in Title 14 of the Millwood Municipal Code.](#)

- I. Enforcement/Violation/Penalty.

1. Intent. It is the intent of this section to provide authority for, and the procedures to be used in, enforcing the provisions of this chapter to the end of furthering the purposes and objectives thereof.
2. Enforcement.
 - a. It shall be the duty of the planning director, except as otherwise provided in this section, to interpret and enforce the provisions of this chapter and conditions of approval imposed by actions of the council, planning commission, [hearing examiner](#), and/or planning department.
 - b. The procedures set forth in this section are not exclusive. These procedures shall not in any manner limit or restrict the city of Millwood from remedying violations or abating violations in any manner authorized by law.
3. Violation—A Misdemeanor/Civil Violation.
 - a. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this chapter or conditions of approval imposed by actions of the council, planning commission, [hearing examiner](#), or the enforcement authority ~~shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00), or by both such imprisonment and fine. Each day that a violation is permitted to exist shall constitute a separate offense.~~
 - ~~b. As an alternative to the above, as determined by the enforcement authority, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this chapter or conditions of approval imposed by actions of the council, planning commission or the enforcement authority shall be deemed to have committed a civil violation subject to the monetary penalties as set forth in Chapter 17.36 of the Millwood zoning code enforcement and penalty provisions of Section 17.44.160 of the Millwood Municipal Code, or as amended. Each day that a violation is permitted to exist shall constitute a separate civil violation.~~
 - [eb.](#) Civil Investigation Procedures. The enforcement authority may initiate an investigation of a violation of this chapter in response to a signed written complaint, field observations by a public agency employee in the course of his/her official duties, or other reliable information. Written complaints may be subject to disclosure pursuant to the State Public Disclosure Law.

The following procedures shall apply to an investigation of a violation of this chapter.

 - i. A physical inspection of the property and/or circumstances identified in the complaint or referral shall be conducted. The physical inspection must comply with legal right of entry requirements, as established by state and constitutional law;
 - ii. The enforcement authority shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and applicable Millwood codes, whether a violation has occurred; and
 - iii. When a violation has been confirmed, a notice of investigation shall be [mailed-issued](#) to the property owner of record and/or those person(s) who are creating or contributing to the violation. The notice shall contain those items [and follow the process](#) specified in [Section 17.44.160 of the Millwood Municipal Code](#) ~~subsection (1)(3)(d) of this section.~~
 - ~~d. Notice of Investigation—Determination of a Civil Violation. A notice of investigation represents a determination by the enforcement authority that a civil violation has been committed. The notice of investigation shall include the following:~~

- i. ~~A statement that the notice of investigation represents a determination by the enforcement authority that the person named in the notice has committed a civil violation.~~
- ii. ~~A statement of the options provided in this chapter for responding to the notice of investigation and the procedures necessary to exercise these options.~~
- iii. ~~A statement that the person must respond to the notice of investigation and show proof of compliance as provided for in this section within fourteen (14) days.~~
- iv. ~~A statement that failure to respond to a notice of investigation and show proof of compliance may result in a civil violation.~~
- v. ~~A statement that a civil violation is a noncriminal offense and a violation thereof is not subject to imprisonment.~~
- vi. ~~A statement of the specific civil violation for which the notice of investigation is being issued.~~
- vii. ~~A statement of the monetary penalty established for the civil violation.~~
- e. ~~Civil Notice of Violation Procedures.~~
 - i. ~~The person(s) to whom a notice of investigation is sent, as set forth in subsection (1)(3) of this section shall have fourteen (14) days to respond or show proof of compliance. Proof of compliance includes, but is not limited to, entry into a voluntary compliance agreement.~~
 - ii. ~~If proof of compliance is not received within the fourteen (14) day period, the enforcement authority may issue a notice of violation and assess monetary penalties pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - iii. ~~The enforcement authority may issue a notice of violation and assess monetary penalties pursuant to Chapter 17.36 of the Millwood zoning code, as amended if:~~
 - (A) ~~Neither a response nor proof of compliance was received within the fourteen (14) day period from the date of service of a notice of violation;~~
 - (B) ~~The terms of a voluntary compliance agreement have been violated or have not been met;~~
 - (C) ~~Repeat violations have occurred on the same property within an eighteen (18) month period of time;~~
 - (D) ~~For each day the violation continues to exist, after the date of service of a notice of violation, cumulative civil penalties may be assessed pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - iv. ~~The civil notice of violation shall contain the required information for a notice of violation pursuant to Chapter 17.36 of the Millwood zoning code, as amended.~~
 - v. ~~A copy of the civil notice of violation shall be served upon the person(s) to whom it is directed either personally, or in the manner provided for personal service of notices or complaints in district court, or by mailing a copy of the civil notice of violation by certified mail, postage prepaid, return receipt requested, to such person at the person's last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and manner by which service was made.~~
 - vi. ~~The enforcement authority for good cause shown may extend the date for correction in the civil notice of violation, provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.~~

- vii. ~~A copy of all civil notices of violations may be sent to other agencies if the violation may also be a violation of other agencies' regulations.~~
- viii. ~~The enforcement authority may withdraw or modify a civil notice of violation issued under this section if the original civil notice of violation was issued in error. Such withdrawal or modification shall identify the reasons and underlying facts.~~
- ix. ~~A civil notice of violation shall carry a monetary penalty pursuant to Chapter 17.36 of the Millwood zoning code, as amended. The payment of monetary penalty does not relieve a person(s) responsibility for correcting a violation.~~
- x. ~~The enforcement authority may dispense with some or all of the civil investigative procedures and notice of investigation procedures and immediately issue a notice of violation as set forth in subsection (I)(3)(c) of this section for those violations determined to be immediately hazardous to the general public health or safety.~~
- xi. ~~The procedures set forth in this section are not jurisdictional and failure to meet them in any particular case shall not affect the city's enforcement authority.~~
- xii. ~~Complainants who provide a mailing address may request information regarding enforcement of a civil violation. The enforcement authority shall mail copies of all public records pertaining to the enforcement effort to the complainants that are subject to disclosure under the State Public Disclosure Law.~~
- f. ~~Voluntary Compliance Agreement. Whenever the enforcement authority determines that a code violation has occurred or is occurring, the enforcement authority shall make reasonable efforts to secure voluntary compliance from the person responsible for the violation. A voluntary compliance agreement may be entered into any time after a notice of investigation has been sent to the violator.~~
- 4. ~~Collection of Civil Violation Monetary Penalty.~~
 - a. ~~The enforcement authority, on behalf of Millwood, and/or the prosecuting attorney is authorized to collect the monetary penalties by any and all appropriate legal means including, but not limited to, commencing appropriate legal proceedings in the Spokane County district court small claims department. No further action in an open meeting by the council is necessary to authorize initiation of any legal action.~~
 - b. ~~The monetary penalty is due and payable on the later of:~~
 - i. ~~Fourteen (14) days after the service of the notice of violation;~~
 - ii. ~~Fourteen (14) days after the service of the notice of decision on any appeals;~~
 - iii. ~~The assessment or payment of monetary penalties does not relieve a person(s) responsible for code compliance of his or her duty to correct the violation, nor does it prevent the assessment of additional monetary penalties as long as the violation continues to exist.~~
- 5. ~~Appeals. Appeal of a civil notice of violation issued under this section shall be to the Millwood planning commission according to the procedures set forth in Chapter 17.36 of the Millwood zoning code, as amended. Decisions made under this section are not subject to the provisions of subsection (F)(1), Appeal of an Administrative Decision, of this section.~~

- 64.** Judicial Enforcement. In addition to any other remedy provided for in this section, the prosecuting attorney, on behalf of the city of Millwood, may seek enforcement of any provisions of this code by filing an appropriate legal action.

(Ord. 350 (part), 2005)

(Ord. No. 473, § 3, 4-14-2015)

18.08.040 Emergency permits, reasonable use exception.

A. Emergency Activities—Temporary Emergency Permit.

1. Criteria for Granting a Temporary Emergency Permit. Notwithstanding the provisions of this chapter or any other laws to the contrary, the director may issue a temporary emergency permit to allow regulated uses or activities in a fish and wildlife habitat conservation area or potential slide hazard area ([geologically hazardous area](#)), if:
 - a. The director determines that an imminent threat to public health, safety or the environment will occur if an emergency permit is not granted; and
 - b. The threat or loss may occur before a fish and wildlife habitat conservation area review can be issued or conditioned under the procedures otherwise required by this chapter.
2. Conditions of Emergency Permit. Any emergency permit granted shall:
 - a. Incorporate to the greatest extent practicable the standards and criteria required for nonemergency activities;
 - b. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety (90) days without reapplication; and
 - c. Require the restoration of any fish and wildlife habitat conservation area or potential slide hazard area ([geologically hazardous area](#)) altered as a result of the emergency activity within ninety (90) days following the emergency repair, or during the growing season after the emergency repair.

B. Reasonable Use Exception.

1. Requirements. If an applicant for a development proposal demonstrates to the satisfaction of the director that application of the standards of this chapter would deny all reasonable use of the property, development as conditioned shall be allowed. The applicant shall pay a fee as determined by the council, which may cover mailing and processing and submit documentation on forms provided by the department demonstrating all of the following to the satisfaction of the director:
 - a. Applications of this chapter would deny all reasonable use of the property;
 - b. There is no reasonable use with less impact on the fish and wildlife habitat or potential slide hazard area ([geologically hazardous area](#));
 - c. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the property;
 - d. Any alteration to the fish and wildlife habitat or potential slide hazard area ([geologically hazardous area](#)) is the minimum necessary to allow for reasonable use of the property;
 - e. The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the nondevelopable condition after the effective date of the ordinance codified in this chapter.
2. Decision. The director shall include findings on each of the evaluation criteria listed in this section in a written decision. The written decision shall be mailed to the applicant and adjacent property owners, including property owners across public rights-of-way or private easements. The written decision shall include conditions necessary to serve the purposes of the ordinance and shall provide an appeal procedure as contained in Section 18.08.030 of this chapter.

Created: 2025-07-02 12:00:16 [EST]

(Supp. No. 21, Update 2)

(Ord. 350 (part), 2005)

18.08.050 Fish and wildlife habitat conservation areas.

A. Priority Habitats and Species Designation.

1. Washington State Priority Habitat and Species Program. The priority habitats and species of Millwood and Spokane County are identified in Table 18.08.050A of this section and are adopted from the Washington State [Dept of Fish & Wildlife \(WDFW\)](#) Priority Habitats and Species Program, as now or hereafter amended, [including the current Threatened and Endangered Species list, the Priority Habitats and Species Maps \(PHS on the Web\), and the Riparian Ecosystems online 200 year site-potential tree height \(SPTH\) Map Tool](#). Due to the dynamic nature of fish and wildlife populations and their habitats, the priority habitats and species program will be revised periodically as species and habitats are added, deleted or redefined. The location of priority habitats and known point locations such as den or nest site of priority species will be depicted on the Millwood critical areas map which is available at the city of Millwood. [Early project consultation with WDFW on possible habitat impacting projects and use of WDFW priority habitat and species mapping systems can ensure that development is sited and designed in a manner that avoids habitat fragmentation and maintains ecological integrity.](#)

Table 18.08.050A
PRIORITY HABITATS AND SPECIES OF MILLWOOD
AND SPOKANE COUNTY

Per the PHS on the Web, there are two biodiversity areas and corridors priority habitats that occur within Millwood (Freshwater Forested/Shrub Wetland and Shrubsteppe).	
PRIORITY HABITATS	CRITERIA
Wetlands and deepwater	Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have all of the following characteristics: (1) the land supports predominantly hydrophytic plants, (2) soil are hydric and (3) soils are saturated with water or covered by the shallow water at some time during the growing season of each year. Deep water habitats are permanently flooded lands lying below the deep water boundary of wetlands. Deep water habitats include environments where surface water is permanent and often deep, so that water, rather than air is the principal medium within which the dominant organisms live. Wetlands and deep water habitats support comparatively high wildlife density and diversity, provide breeding habitat and seasonal ranges, have limited availability and high vulnerability to habitat alteration.
Riparian	"Riparian habitat" is defined as the area adjacent to aquatic systems that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water. Simultaneously, the biological and physical properties of the aquatic ecosystems are influenced by adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. Riparian habitat includes the entire extent of the

	floodplain and riparian areas of wetlands that are directly connected to stream courses or lakes. Riparian areas have high fish and wildlife density and high fish and wildlife species diversity, important fish and wildlife breeding habitat, important wildlife seasonal ranges important fish and wildlife movement corridors and high vulnerability to habitat alteration, unique or dependent species. <u>Per the SPTH Map Tool (October 2025), Millwood has six (6) trees included in the riparian ecosystem:</u> <u>Lodgepole Pine with an imputed 200 year SPTH value of 103 feet</u> <u>Ponderosa Pine with an imputed 200 year SPTH value of 121 feet + a SPTH value of 137 feet in the eastern portion of Millwood, referenced by Meyer 1961, where additional considerations for terrestrial wildlife are encouraged</u> <u>Rocky Mountain Douglas Fir with an imputed 200 year SPTH value of 130 feet</u> <u>Western Hemlock with an imputed 200 year SPTH value of 120 feet</u> <u>Western Larch with an imputed 200 year SPTH value of 151 feet</u> <u>Grand Fir with an imputed 200 year SPTH value of 139 feet</u>
Urban natural open space	A priority species resides within or is adjacent to the open space, and uses it for breeding and/or regular feeding. This habitat may also function as a corridor connecting other priority habitat areas, especially those that would otherwise be isolated; and/or the open space is an isolated remnant of natural habitat larger than 10 acres and is surrounded by urban development. Local consideration may be given to open space areas smaller than 10 acres. Urban natural open space has comparatively high wildlife density and diversity, is important as a breeding habitat and is important as a movement corridor. These areas have limited availability and have a high vulnerability to habitat alteration.
Wildlife corridors	Wildlife corridors are landscape feature that facilitate the biologically effective transport of animals between larger patches of habitat dedicated to conservation functions. Such corridors may facilitate several kinds of traffic, including frequent foraging movements, seasonal migrations or the once in a lifetime dispersal of juvenile animals. These are transitional habitats and need not contain all the habitat elements required for the long term survival or reproduction of its migrants.
Landscape linkages	Landscape linkages differ from a movement corridor in that the complete range of community and ecosystem processes continue to operate within it through time. Plants and smaller animals are able to move between larger landscapes over a period of generations.

SPOKANE COUNTY PRIORITY SPECIES (JUNE 2023)	STATUS (JUNE 2023)
Amphibians	
<u>Columbia</u> Spotted frog	State and federal candidate <u>Candidate</u>
<u>Western Toad</u>	<u>State Candidate</u>
Birds	
American White Pelican	State endangered <u>Sensitive</u>
Ash-throated Flycatcher	State monitor

Bald eagle	State and federal threatened
Black-backed Woodpecker	State monitor <u>Candidate</u>
Blue Grouse	Game
Burrowing owl <u>Owl</u>	State <u>C</u> andidate
Cavity-nesting ducks (includes Barrow's Goldeneye, Bufflehead, Common Goldeneye, Hooded Merganser and Wood duck <u>Duck</u>)	Game
Common Loon	State candidate
<u>Dusky Grouse</u>	
<u>E WA breeding concentrations of: Grebes, Cormorants</u>	
<u>E WA breeding occurrences of: Phalaropes, Stilts, and Avocets</u>	
<u>E WA breeding Terns</u>	
<u>Ferruginous Hawk</u>	<u>State Endangered</u>
Flammulated owl <u>Owl</u>	State candidate <u>Candidate</u>
Golden eagle <u>Eagle</u>	State candidate <u>Candidate</u>
Grasshopper Sparrow	State monitor
Great Blue Heron	State monitor
Horned Grebe	State monitor
Lewis Woodpecker	State candidate
Long Billed Curlew	State monitor
Merlin	State monitor
Northern Goshawk	State candidate <u>Candidate</u>
Osprey	State monitor
Peregrine Falcon	State endangered
<u>Prairie Falcon</u>	
Pileated Woodpecker	State candidate
Red-necked Grebe	State monitor
<u>Sage Thrasher</u>	<u>State Candidate</u>
Sandhill Crane	State endangered <u>Endangered</u>
Snowy owl	State monitor
Trumpeter Swan	Game
<u>Tundra Swan</u>	

Upland Sandpiper	State endangered <u>Endangered</u>
Vaux's Swift	<u>State candidate</u>
<u>Waterfowl Concentrations</u>	
<u>Western Bluebird</u>	<u>State candidate</u>
Western Grebe	State monitor <u>Candidate</u>
White-headed Woodpecker	State candidate <u>Candidate</u>
Fishes	
<u>Kokanee</u>	
Rainbow trout / <u>Steelhead*</u> / <u>Inland Redband Trout</u>	Game <u>State Candidate*</u> and <u>Federal Threatened*</u>
<u>Westslope Cutthroat Trout</u>	
Invertebrates	
<u>Shortface Lanx (formerly Giant Columbia River Limpet)</u>	<u>State Candidate</u>
<u>Ashy Pebblesnail (formerly Columbia Pebblesnail)</u>	<u>State Candidate</u>
<u>California Floater</u>	<u>State Candidate</u>
<u>Western Bumble Bee</u>	<u>State and Federal Candidate</u>
<u>Monarch</u>	<u>State and Federal Candidate</u>
<u>Silver-bordered Fritillary</u>	<u>State Candidate</u>
Mammals	
<u>Roosting Concentrations of: Big-brown Bat, Myotis Bats, Pallid Bat</u>	
<u>Townsend's Big-eared Bat</u>	<u>State Candidate</u>
<u>White-tailed Jackrabbit</u>	<u>State Candidate</u>
Marten	Game
<u>Lynx</u>	<u>State and Federal Threatened</u>
<u>Wolverine</u>	<u>State Candidate and Federal Threatened</u>
<u>Moose</u>	
<u>Pigmy Shrew</u>	<u>State candidate</u>
<u>Northwest</u> <u>White-tailed deer</u> Deer	Game
<u>Elk</u>	
<u>Mule Deer (formerly called Rocky Mountain Mule Deer)</u>	
<u>Beaver</u>	
<u>Mink</u>	

River Otter	
	* Steelhead only

Note(s)—Definitions for species status are contained in the Washington Department of Fish and Wildlife Management Recommendations for Priority Species and in WAC 232.12.

B. Regulated Uses and Activities in Priority Habitats.

1. For the purposes of this chapter, Millwood may restrict the regulated uses and activities shown in Table 18.08.030A which lie within a priority habitat by definition or within one-quarter mile of a point location (den or nest site) of a nongame priority species through the application of the performance standards contained in subsection C of this section.
2. In cases where differences in regulations occur because of overlapping priority habitats or buffer areas, the regulation which provides the greatest degree of protection shall apply.

C. Performance Standards for Regulated Uses and Activities.

1. A management plan, if required, will be used by the city of Millwood to evaluate the impact of a use or activity on a priority habitat or species and may require mitigating measures to protect fish and wildlife based on the management plan recommendations.
2. Riparian Habitat Performance Standards.
 - a. Except as otherwise specified, riparian areas shall be retained in their natural condition. Riparian vegetation in buffer areas shall not be removed except in the case of fire or disease, unless there is no alternative. For lots or parcels with water frontage on the Spokane River, one view/access corridor to the ordinary high water mark may be cleared of riparian vegetation as long as the view/access corridor does not exceed a width of twenty-five (25) feet.
 - b. Roads within riparian buffer areas shall be kept to a minimum and shall not run parallel to the water body. Crossings where necessary, shall cross riparian areas at as near right angles as possible. If no alternative exists to placement of a roadway within a riparian area, mitigation may be required. Mitigation measures shall be specified in a management plan and may include, but are not limited to:
 - i. Fencing of riparian buffer area to protect remaining vegetation [with wildlife friendly fencing](#); and
 - ii. Enhancement of remaining riparian buffer area through planting of native vegetation. Water crossings must be approved by the Washington State Department of Fish and Wildlife according to WAC 75.20.100 [\(construction projects in State waters\)](#).
 - c. Equestrian [and](#) pedestrian/bike trails are permitted in riparian buffer areas but should be setback fifty (50) feet from the ordinary high water mark, if possible and shall be a maximum of fourteen (14) feet in width.
 - d. Off-road motorized vehicle use in riparian buffers areas is prohibited.
 - e. [Ensure that transportation, utility, and infrastructure planning considers wildlife corridors by designing roads and utilities to avoid fragmentation of habitats, incorporating wildlife crossings and culvert upgrades into project designs.](#)
 - f. [Riparian buffer areas shall be established from the ordinary high water mark. The Spokane River shall have the buffer area requirement of fifty \(50\) feet or based on the current best available science such as the SPTH, when possible, or if required by a Habitat Management Plan.](#)

gf. The director has the authority to increase the buffer widths shown above by up to twenty-five (25) percent on a case by case basis when a larger buffer is necessary to protect the fish and wildlife using the stream and riparian area. This determination shall be supported by appropriate documentation showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the stream and riparian area as indicated by meeting one or both of the following criteria:

- i. The land adjacent to the water is susceptible to severe erosion and other erosion control measures will not prevent adverse impacts;
- ii. The land adjacent to the water has minimal vegetative cover or slopes greater than thirty (30) percent.

hg. The director has the authority to modify the standard buffer widths by averaging buffer widths. Averaging of buffer widths shall be allowed only when all of the following are demonstrated:

- i. Averaging will provide the necessary biological, chemical and physical support necessary to protect the fish and wildlife using the riparian area in question, taking into account the type, intensity, scale and location of the proposed use or activity;
- ii. The riparian area contains variations in sensitivity due to existing physical characteristics which justify the averaging;
- iii. The land uses causing the least disturbance would be located adjacent to areas where the buffer width is reduced and that such land uses are guaranteed in perpetuity by covenant, deed restriction, easement or other legally binding mechanism;
- iv. The total area contained within the buffer after averaging is not less than that contained within the standard buffer prior to averaging.

ih. All development proposals shall follow the bald eagle protection rules (RCW 77.12.655 and WAC 232.12.292), as now or hereafter amended, when the proposal is likely to have a direct impact on the habitat of the bald eagle.

3. Habitat Management Plans.

- a. A habitat management plan shall be prepared for regulated uses or activities (refer to Table 18.08.030A of this section which are located in a priority habitat or within one-quarter mile of a nongame priority species point location (den or nest site) if it is determined by the director that the proposal is likely to have a significant adverse impact on the priority habitat or species. The determination of a need for additional information (habitat management plan) shall be made by the director in consultation with the Washington State Department of Fish and Wildlife or other authority as determined by the director.
- b. This report shall identify how the impacts from the proposed use or activity will be avoided or mitigated through habitat mitigation which meets the purposes of this chapter. The Management Recommendations for Washington's Priority Species (1991), as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and Wildlife shall be the basis for the report.
- c. The habitat management plan shall be prepared by a qualified biologist shall be approved in writing by the director and shall contain but not be limited to the following information:
 - i. A map(s) prepared at an easily readable scale in a pdf format, preferably utilizing Google Earth or a GIS software, showing:
 - (A) The location of the proposed site;

- (B) The relationship of the site to surrounding topographic and built features;
 - (C) The nature and density of the proposed use or activity;
 - (D) Proposed building locations and arrangements;
 - (E) A complete and accurate legal description. The description shall include the total acreage of the parcel;
 - (F) Title scale and north arrow;
 - (G) Date;
 - (H) Certification by a qualified biologist;
 - (I) Existing structures and landscape features, including the name and location of all water bodies;
 - (J) Location of priority habitat types or priority species point locations.
- ii. A report which contains:
- (A) A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat.
 - (B) An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats, identified within the priority habitat and species program as defined in this chapter.
 - (C) A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:
 - (1) Establishment of buffer areas;
 - (2) Preservation of critically important plants and trees;
 - (3) Limitation of access to habitat area;
 - (4) Seasonal restriction of construction activities;
 - (5) Clustering of development and preservation of open space;
 - (6) Signs marking habitats or habitat buffer areas;
 - (7) Title notice or plat dedication warning statements;
 - (8) Conservation easements.
- iii. Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW). If the habitat management plan recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft habitat management plan and their review comments shall be included in the final report. The Washington State Department of Fish and Wildlife and, if required, the U.S. Fish and Wildlife service shall respond in writing to the director with review comments or a request for additional information within fifteen (15) days from the date of issuance of a draft habitat management plan. If review comments or a request for additional information is not received in the prescribed time frame, the state and/or federal review comments on the

habitat management plan shall not be required. The director shall have the authority to approve habitat management plans or require additional information.

4. Financial Guarantees. The director may require the applicant to post a performance bond or other security to ensure implementation of the requirements of any mitigation plan approved pursuant to this section.
5. Habitats and Species of Local Importance. In addition to the priority habitats and species recognized by WDFW, a process is provided for listing or delisting other habitats and species that are important locally to the people of Spokane County. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, Millwood staff, nonprofit organization or interested citizen.

Any such request shall be in writing and shall include:

- a. The common and scientific name for a species under consideration;
- b. Habitat location on a map (scale 1:24,000);
- c. Demonstrate a need for special consideration based on:
 - i. Declining or increasing population,
 - ii. Sensitivity to habitat manipulation, or
 - iii. Commercial or game value or other special value, such as public appeal;
- d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas and other guidelines necessary for the protection of the species;
- e. Reasons for the species/habitat to be designated or deleted from designation as a priority habitat or species;
- f. Name and address of the nominator, along with a statement of support for the nomination signed by the owner of the property on which the habitat is located;
- g. Other Supporting Documentation. Submitted proposals will be reviewed by Millwood staff, WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies.

A public hearing shall be held for proposals found to be completed pursuant to the process contained in [Title 14 of the Millwood Municipal Code for amendments to development regulations](#). ~~Chapter 17.28 of the Millwood zoning code.~~ Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this ordinance afforded other priority habitats and species.

(Ord. 350 (part), 2005)

(Ord. No. 390, § 3, 12-7-2009)

18.08.060 Potential slide hazard areas [\(geologically hazardous areas\)](#).

- A. Classification Characteristics. Potential slide hazard areas [\(geologically hazardous areas\)](#) can include both erosion and landslide hazard areas. Erosion and/or landslide hazard areas in Millwood shall contain at least one of the following characteristics:
 1. A slope of thirty (30) percent or greater;

2. Soils identified by Natural Resource Conservation Service as having a severe potential for erosion (see Section 18.08.090, Appendix A of this chapter);
3. Hydraulic factors, such as existing on-site surface and groundwater or changes in hydraulic factors, caused by proposals that create a severe potential for erosion or landslide hazard;
4. Areas that historically have been prone to land sliding (areas adjacent to lakes, streams, springs) or any one of the following geologic formations: alluvium, landslide deposit, Latah formation;
5. Areas of uncompacted fill;
6. Areas that are unstable as a result of rapid stream or stream bank erosion.

B. Identification and Mapping.

1. The existing critical areas map provides a general level of information regarding potential slide hazard areas [\(geologically hazardous areas\)](#) and is not intended to pinpoint erosion or landslide hazards on individual sites or properties. Lands that meet the classification characteristics for erosion and landslide hazards are mapped and used to flag areas within Millwood that have a high probability to meet the classification characteristics. There may be areas not designated on Millwood maps that exhibit the characteristics of potential slide hazard areas [\(geologically hazardous areas\)](#). The critical area map shall be updated as more accurate information becomes available to aid the public and project reviewers.
2. Specific information may be provided by the applicant that indicates characteristics are not present on the site or that the proposal is not located within nor will impact a potential slide hazard area [\(geologically hazardous area\)](#); however, it is the intent of this chapter to require all areas that meet the classification characteristics of potential slide hazard areas [\(geologically hazardous areas\)](#) to meet the requirements of this section.
3. Classification characteristics are identified as follows:
 - a. Soil characteristics are identified as those areas containing soils which according to the U.S. Department of Agricultural Soil Conservation Service (SCS) Classification System may experience severe to very severe erosion based on a formula which is based on several factors, including rainfall, slope, soil erodibility and other factors. Potential slide hazard areas [\(geologically hazardous areas\)](#) are based on a combination of geologic, topographic (slope) and hydraulic factors and have a high susceptibility to landslides.
 - b. Geologic characteristics are areas identified and described by the Washington State Department of Natural Resources and include:
 - i. Alluvium;
 - ii. Landslide deposits;
 - iii. Latah formation.
 - c. Topographic characteristics include areas within Millwood with severe site topography or slopes of thirty (30) percent or greater and have a severe potential for erosion and/or landslide hazards.
 - d. Other Characteristics. Hydraulic features include surface and groundwater conditions and the hydraulic changes resulting from a proposal. Uncompacted fill areas or steep-cuts as a result of site grading, construction activities or resource extraction.

C. Potential Slide Hazard Area [\(Geologically Hazardous Area\)](#) Mitigation Plan and Evaluation.

1. Potential Slide Hazard Area [\(Geologically Hazardous Area\)](#) Mitigation Plans.
 - a. A potential slide hazard area [\(geologically hazardous area\)](#) mitigation plan prepared by a qualified landslide or erosion specialist shall be required when the director determines that the impact of

- a use or activity located in a potential slide hazard area [\(geologically hazardous area\)](#) cannot be mitigated through the Millwood building code as adopted and as may be amended.
- b. A potential slide hazard area [\(geologically hazardous area\)](#) mitigation plan shall be prepared to identify construction standards for the proposal.
 - c. Potential slide hazard area [\(geologically hazardous area\)](#) mitigation plans shall conform to Millwood regulations for stormwater management or any subsequent regulation adopted by Millwood providing erosion and landslide protection.
 - d. A potential slide hazard area [\(geologically hazardous area\)](#) mitigation plan, prepared by a qualified landslide or erosion specialist, shall be prepared for building permits, road construction, utilities and storm drainage facility installations within a potential slide hazard area [\(geologically hazardous area\)](#).
2. Potential Slide Hazard [\(Geologically Hazardous Area\)](#) Evaluation, Preliminary Report. A potential slide hazard [\(geologically hazardous area\)](#) evaluation or feasibility report shall be prepared by a qualified landslide or erosion specialist and submitted with applications for preliminary plats, short plats, zone reclassifications, conditional use permits, variances, or ~~manufactured home park~~ site plans located in potential slide hazard areas [\(geologically hazardous areas\)](#). The potential slide hazard [\(geologically hazardous area\)](#) evaluation shall document the extent and nature of potential slide / [geologic](#) hazard on the subject property and shall provide mitigating measures and an assessment of potential slide / [geologic](#) hazards associated with the proposal. A more detailed potential slide hazard area [\(geologically hazardous area\)](#) mitigation plan may be required at the time of building permit application or actual construction approvals.
 3. Subdivision Dedication Notice. Final subdivisions or short plats located within potential slide hazard areas [\(geologically hazardous areas\)](#) shall contain language in the plat dedication to indicate lots or portions of lots that are affected by potential slide / [geologic](#) hazards. In addition, building setback lines may be drawn on lots, parcels and tracts as to indicate suitable areas for construction of structures or improvements.

(Ord. 350 (part), 2005)

18.08.075 Critical aquifer recharge areas.

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

- A. Designation and Rating.
 1. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water as defined by Section 365-190-030(2) WAC. Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.
 2. Aquifer recharge areas are rated as having a high, moderate, or low susceptibility based on a scientific analysis of soils, hydraulic conductivity (the ease with which water moves between the surface and aquifers), annual rainfall, the depth to aquifers, the importance of the material

between soils and aquifers (Vadose zone), and wellhead protection information. If a parcel lies within two or more susceptibility rating designations, the higher susceptibility rating designation shall apply to the whole parcel.

3. Designated wellhead protection areas and areas within a one thousand (1,000)-foot radius of wells without reported plans, are additionally treated as high-susceptibility areas. As wellhead protection plans are completed for wells, the one thousand (1,000)-foot radius placeholder will be replaced by the Washington State Department of Health-certified wellhead protection area.
 4. Critical aquifer recharge area (CARA) mapping by Spokane County indicates the city of Millwood sites entirely over, or in, an aquifer recharge area rated as high susceptibility due to location over the Spokane rathdrum prairie aquifer and soil type. Soil types are listed in Appendix A.
- B. Uses and Activities Regulated in Critical Aquifer Recharge Areas. Table 18.08.075B establishes the following uses and activities regulated by the requirements of this section. This table should be interpreted with the corresponding performance standards set forth in subsection C of this section.

TABLE 18.08.075B

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

Index:

N = Not permitted.

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

* A hydrogeologic study is required for this use.

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

Created: 2025-07-02 12:00:16 [EST]

(Supp. No. 21, Update 2)

- C. Performance Standards for Uses and Activities in Critical Aquifer Recharge Areas. The following are the performance standards applicable to the uses and activities listed in Table 18.08.075B of this section.
1. L-1 Agriculture.
 - a. Agricultural practices that impact critical aquifer recharge areas shall be mitigated by having a conservation plan prepared and the subject property shall be required to comply with approved land management and/or conservation practices that protect groundwater, as set forth in the United States Department of Agriculture Natural Resource Conservation Service (NRCS) Technical Guides, and all local state and federal regulations and their amendments governing agricultural practices. The NRCS technical guide is available at the local field office of the Natural Resource Conservation Service.
 - b. Agricultural practices that are accessory to a primary residential use, including animal raising and/or keeping, and that exist for the personal enjoyment of the property resident, shall be exempted, and this subsection shall be advisory only as to those accessory agricultural practices.
 2. L-2 Critical Materials Storage, Handling, Generating or Use. Critical materials subject to the following performance standards are set forth in the critical materials list in Chapter 3.15, as amended, of the Spokane County Code (adopted by reference):
 - a. All facilities related to the use of critical materials shall be designed so that:
 - i. Any spilled or leaked critical materials are contained on site;
 - ii. Any spilled or leaked critical materials cannot infiltrate into the ground; and
 - iii. No disposal of any waste containing critical materials shall be allowed on site.
 - b. Stormwater draining facilities in areas where critical material spills could occur shall be designed so that:
 - i. Mingling of stormwater and spilled critical materials is prevented; and
 - ii. Spill cleanup procedures are enhanced.
 - c. Underground storage tanks used for containing critical material shall be installed and maintained according to the provisions in Chapter 3.15 of the Spokane County Code (adopted by reference).
 - i. Surface or subsurface disposal of a critical material is prohibited.
 3. L-3 Wastewater Disposal.
 - a. Performance Standards Applicable to All Areas in Millwood. Critical material use activities that produce a process waste instead of or in addition to sanitary waste shall utilize one of the following methods for waste management and disposal:
 - i. Separate waste disposal systems shall be provided so those sanitary and process wastes are handled separately. The process waste shall be disposed of by collection in sealed holding tanks and shall be transported and disposed of at a site licensed for disposal of this effluent. An agreement to dispose of process waste under this section shall be recorded in the Spokane County auditor's office and shall not be removed without approval by Millwood.
 - ii. Sanitary and/or process waste waters shall be managed in compliance with a valid authorization from a publicly owned treatment works (POTW), which shall include any required pretreatment or monitoring;

- iii. Sanitary and/or process wastewaters shall be managed in compliance with a valid surface water discharge permit, which is obtained from the Washington State Department of Ecology.
 - iv. Any failing septic systems that pollute waters of the state must provide corrective action consistent with Washington State Department of Health and Washington State Department of Ecology requirements.
- b. Performance Standards for New Development.
 - i. Public sewer services consistent with the adopted levels of service and concurrency requirements set forth in the Millwood comprehensive plan and the Millwood zoning code, or as amended, are required for all new residential and nonresidential uses.
- 4. L-4 Stormwater Disposal.
 - a. Development shall provide for the treatment of stormwater run-off from impervious surfaces in a manner consistent with the Millwood Municipal Code, as amended.
 - b. Direct injection wells without an associated drainage swale or drainage swale system for stormwater disposal within five hundred (500) feet of wellhead protections areas are prohibited.

(Ord. 350 (part), 2005)

18.08.080 Incentives.

A. Property Tax and Income Tax Advantages.

- 1. Property Tax Relief. The Spokane County assessor shall consider the fish and wildlife habitat conservation areas and potential slide hazard areas (geologically hazardous areas) contained within this chapter when determining the fair market value of land.

Any owner of a fish and wildlife habitat conservation area who has dedicated a conservation easement or entered into a perpetual conservation restriction with a department of the local, state, or federal government; or a nonprofit organization to permanently control some or all the uses and activities within these areas may request that the Spokane County assessor reevaluate that specific area consistent with those restrictions and provisions of open space land current use taxation.

- 2. Federal Income Tax Advantages. There are significant federal income tax advantages that can be realized by an individual or estate for gifts of real property for conservation purposes to local governments or nonprofit organizations such as land trusts. The specific rules on federal income tax deductions can be found in Section 170 of the Internal Revenue Code.

Appendix A

The Table A-1 indicates soils of the Spokane County area that are most susceptible to erosion. Within the Millwood area specifically the following soils are found: Older Glacial Deposits Qgo, Glacial Flood Deposits Qgf, Palouse Formation Qp and Columbia River Group and Latah Formation Tcl. Although the Millwood area soils are not listed in Table A-1, they are gravelly loam type soils that are not always stable and have a high water infiltration rate.

Table A-1

Spokane County Soils Soil
Survey Spokane County, Washington
7/6/94

Map Symbol	Map Unit Name	Erosion Factors		Erosion Hazard
		K	T	
AaC	Athena silt loam, 5 to 30% slopes	0.37	5	Severe
AaD	Athena silt loam, 30 to 55% slopes	0.37	5	Severe
AaE	Athena silt loam, 55 to 70% slopes	0.37	5	Severe
AaD	Athena silt loam, 5 to 55% slopes	0.37	5	Severe
AIC	Athena-lance silt loams, 0 to 30% slopes	0.37	5	Severe
AID	Athena-lance silt loams, 30 to 55% slopes	0.37	5	Severe
BaB	Bernhill silt loam, 0 to 20% slopes	0.43	5	Severe
BaC	Bernhill silt loam, 20 to 30% slopes	0.43	5	Severe
BaD	Bernhill silt loam, 30 to 55% slopes	0.43	5	Severe
BbB	Bernhill silt loam, moderately shallow 30 to 55% slopes	0.37	2	Severe
BfD	Bernhill very stony silt loam, 20 to 55% slopes	0.24	5	Severe
BhD	Bernhill soils, 20 to 55% slopes	0.24	5	Severe
BkC	Bernhill very rocky complex, 0 to 30% slopes	0.43	5	Severe
BkD	Bernhill very rocky complex, 30 to 55% slopes	0.43	5	Severe
BrC	Bong and Phoebe coarse sandy loams, 20 to 30% slopes	0.24	5	Severe
BxD	Brickel stony loam, 20 to 55% slopes	0.24	2	Severe
CeB	Cedonia silt loam, 5 to 20% slopes	0.37	5	Severe
CeC3	Cedonia silt loam, 20 to 30% slopes, severely eroded	0.37	5	Severe
CtB	Clayton loam, 5 to 20% slopes	0.37	3	Severe
DaB	Drearyton silt loam, 5 to 20% slopes	0.32	3	Severe
DaC	Drearyton silt loam, 20 to 40% slopes	0.32	3	Severe
DrC	Dragoon silt loam, 0 to 30% slopes	0.37	2	Severe
DsC	Dragoon stony silt loam, 0 to 30% slopes	0.32	2	Severe
DsC	Dragoon stony silt loam, 0 to 30% slopes	0.32	2	Severe
DsD	Dragoon stony silt loam, 30 to 55% slopes	0.32	2	Severe
DvD	Dragoon variant, very rocky complex 20 to 50% slopes	0.37	1	Severe
EID	Eloika very stony silt loam, 30 to 55% slopes	0.24	3	Severe
FaB	Freeman silt loam, 30 to 55% slopes	0.32	5	Severe
FAB3	Freeman silt loam, 5 to 20% slopes, severely eroded	0.32	5	Severe
FaC3	Freeman silt loam, 20 to 30% slopes, severely eroded	0.32	5	Severe
GaC3	Gardfield silty clay loam, 0 to 30% slopes, severely eroded	0.32	5	Severe
GpB	Glenrose silt loam, 5 to 20% slopes	0.32	5	Severe
GpC	Glenrose silt loam, 20 to 30% slopes	0.32	5	Severe

Created: 2025-07-02 12:00:16 [EST]

(Supp. No. 21, Update 2)

GpD	Glenrose silt loam, 30 to 55% slopes	0.32	5	Severe
GrD	Glenrose silt loam, 20 to 55% slopes	0.24	5	Severe
GsD	Glenrose stony silt loam, 20 to 55% slopes	0.32	5	Severe
GtB	Green bluff silt loam, 5 to 20% slopes	0.32	5	Severe
HfC	Hagen loamy fine sand, 0 to 30% slopes	0.32	5	Severe
HvD	Hesseltine very rocky complex, 30 to 55% slopes	0.10	1	Severe
LaD	Lakesol silt loam, 20 to 55% slopes	0.32	5	Severe
LeB	Laketon silt loam, 5 to 20% slopes	0.37	5	Severe
LmC	Lance silt loam, 0 to 30% slopes	0.55	5	Severe
LmC3	Lance silt loam, 0 to 30% slopes, severely eroded	0.55	5	Severe
LnB2	Larking silt loam, 5 to 20% slopes, eroded	0.32	5	Severe
LnD2	Larking silt loam, 20 to 45% slopes, eroded	0.32	2	Severe
MmC	Moscow silt loam, 0 to 30% slopes	0.32	2	Severe
MmD	Moscow silt loam, 30 to 55% slopes	0.32	2	Severe
MoC	Moscow silt loam, shallow, 0 to 30% slopes	0.37	1	Severe
MoD	Moscow silt loam, shallow, 30 to 55% slopes	0.37	1	Severe
MsC	Moscow very rocky complex, 0 to 30% slopes	0.37	1	Severe
MsE	Moscow very rocky complex, 30 to 70% slopes	0.37	1	Severe
NaC	Naff silt loam, 5 to 30% slopes	0.32	5	Severe
NaC2	Naff silt loam, 5 to 30% slopes, eroded	0.32	5	Severe
NaC3	Naff silt loam, 0 to 30% slopes, severely eroded	0.32	5	Severe
NaD2	Naff silt loam, 30 to 45% slopes, eroded	0.32	5	Severe
NpB	Nez Perce silt loam, 5 to 20% slopes	0.32	5	Severe
NpB3	Nez Perce silt loam, 5 to 20% slopes, severely eroded	0.32	5	Severe
PaC	Palouse silt loam, moderately shallow, 20 to 30% slopes	0.32	2	Severe
PbC2	Palouse silt loam, 5 to 30% slopes, eroded	0.32	5	Severe
PcE	Palouse very rocky complex, 30 to 70% slopes	0.10	1	Severe
RdB	Reardan silt loam, 5 to 20% slopes	0.37	3	Severe
RdB2	Reardan silt loam, 5 to 20% slopes, eroded	0.37	3	Severe
RdC2	Reardan silt loam, 20 to 30% slopes, eroded	0.37	3	Severe
SaC	Schumacher silt loam, 20 to 30% slopes	0.32	3	Severe
SaC2	Schumacher silt loam, 20 to 30% slopes, eroded	0.32	3	Severe
SaD	Schumacher silt loam, 30 to 55% slopes	0.32	3	Severe
ScD	Schumacher gravelly silt loam, 30 to 55% slopes	0.20	3	Severe
ScD2	Schumacher gravelly silt loam, 30 to 55% slopes, eroded	0.20	3	Severe
SnC	Snow silt loam, 5 to 30% slopes	0.32	5	Severe
SoE	Speigle very stony silt loam, 30 to 70% slopes	0.20	5	Severe
SpC	Spokane loam, 0 to 30% slopes	0.28	2	Severe
SpD	Spokane loam, 30 to 55% slopes	0.28	2	Severe
SrE	Spokane stony loam, 30 to 70% slopes	0.24	2	Severe
SsC	Spokane complex, 0 to 30% slopes	0.28	2	Severe
SsE	Spokane complex, 30 to 70% slopes	0.28	2	Severe
StE	Spokane very rocky complex, 30 to 70% slopes	0.28	2	Severe

Created: 2025-07-02 12:00:16 [EST]

(Supp. No. 21, Update 2)

SuE	Spokane extremely rocky complex, 20 to 70% slopes	0.24	2	Severe
SzE	Springdale gravelly loamy sand, 30 to 70% slopes	0.10	5	Severe
TeC	Tekoa gravelly silt loam, 20 to 30% slopes	0.24	2	Severe
TeD	Tekoa gravelly silt loam, 30 to 55% slopes	0.24	2	Severe
TkD	Tekoa very rocky complex, 25 to 55% slopes	0.24	2	Severe
UhB	Uhlig silt loam, 5 to 20% slopes	0.37	5	Severe
UmC	Uhlig variant silt loam, moderately shallow, 5 to 30% slopes	0.37	2	Severe
VaC	Vassar silt loam, 0 to 30% slopes	0.32	3	Severe
VaD	Vassar silt loam, 30 to 55% slopes	0.32	3	Severe
VsD	Vassar very rocky silt loam, 20 to 55% slopes	0.32	3	Severe

(Ord. 350 (part), 2005)



Amanda Tainio, Principal

February 2, 2026

Memo To: Millwood City Council

RE: January 2026 Planning Report

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

- Permit/license/land use application review and processing:
 - 3608-3614 N Dale (BLA-2025-01) - Processing
 - 2702 N. Sipple - Attached Shop Site Plan Review & Coordination
 - 9710 E. Fairway - Detached Garage Site Plan Review & Coordination/Approval
 - 8712 E. Buckeye - Business License Land Use Review
 - 2802 N. Stout (MW-2026-0002) - Adult Family Home Expansion Review/Approval
 - Misc. zoning reviews / information / other jurisdiction SEPA reviews / staff assistance
- 2026 Periodic Update
 - Millwood Comprehensive Plan Periodic Update (Part 2) SEPA & Commerce GMA 60 Day Review
 - 1/7/26 Planning Technical Advisory Committee (PTAC) Meeting
 - 1/28/26 Steering Committee of Elected Officials (SCEO) Meeting - postponed till 2/11/26
 - Coordination w/ Spokane County on the Comprehensive Plan Climate Change & Resiliency Element & incorporation into Millwood Comprehensive Plan
 - Millwood Comprehensive Plan Periodic Update (Part 2) - Staff Report to the Planning Commission & inclusion of Washington Geological Survey (WGS), Washington Department of Natural Resources (DNR) comments
 - Coordination/correspondence w/ SRTC (2026 Comp Plan Certification Checklist Form) & WSDOT
 - Draft Development Regulations - Millwood Municipal Code (MMC) modifications (Table of Permitted Uses, Residential Zones, & Definitions)
 - Community / agency engagement & webpage updates
 - 1/28/26 Planning Commission Public Hearing on 2026 Millwood Comprehensive Plan Periodic Update (Part 2) - adds some additional clarifications to the Housing Element to comply with a recent GMHB case and adds the Climate Change and Resiliency Element that was coordinated with Spokane County.



Amanda Tainio, Principal

With best regards,
Amanda Tainio
Millwood Contract City Planner
planner@millwoodwa.us