

ORDINANCE NO. C \_\_\_\_\_

An ordinance relating to definitions in the Unified Development Code; amending SMC sections 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.070, 17A.020.080, 17A.020.090, 17A.020.100, 17A.020.120, 17A.020.130, 17A.020.140, 17A.020.160, 17A.020.170, 17A.020.180, 17A.020.190, 17A.020.200, 17A. 020.210, and 17A. 020.230; and setting an effective date.

The City of Spokane does ordain:

Section 1. That SMC 17A.020.010 is amended to read as follows:

**17A.020.010 “A” Definitions**

**A. Aboveground Storage Tank or AST.**

Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected.

1. Tanks located in vaults or buildings that are be visually inspected are considered to be aboveground tanks.

**B. Accessory Dwelling Unit (ADU).**

An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot.

1. ADUs are known variously as "mother-in-law apartments," "accessory apartments" or "second units".

**C. Accessory Structure.**

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
  - a. garages,
  - b. decks,
  - c. fences,

- d. trellises,
- e. flag poles,
- f. stairways,
- g. heat pumps,
- h. awnings, and
- i. other structures.

3. See also SMC 17A.020.160 (“Primary structure”).

**D. Accessory Use.**

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

**E. Activity**

See regulated Activity.

**F. Administrative Decision.**

A permit decision by an officer authorized by the local government. The decision may be for approval, denial or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

**G. Adult Entertainment Establishment.**

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

**H. Adult Family Home.**

A residential use as defined and licensed by the state of Washington in a dwelling unit.

**I. Adult-Oriented Merchandise.**

Any goods, products, commodities or other ware, including, but not limited to, videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate specified anatomical area, as defined in [SMC 17A.020.190](#), or specified sexual activities, as defined in [SMC 17A.020.190](#).

**J. Adult Retail Use Establishment.**

1. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise."
2. For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business.
3. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for thirty percent or more of the:
  - a. retail dollar value of gross sales over any quarterly period;
  - b. floor area of the store open to the public;
  - c. retail dollar value of all merchandise displayed in the store;
  - d. store's inventory (whether measured by retail dollar value or number of items); or
  - e. store's stock in trade.
4. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

**K. Agency or Agencies.**

The adopting jurisdiction(s), depending on the context

**L. Agricultural Activities.**

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.
2. The City of Spokane Shoreline Master Program defines agriculture activities as:
  - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
  - b. High-intensity agricultural use includes such activities as feed lots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.

**M. Agricultural Land.**

Areas on which agricultural activities are conducted as of the date of adoption of the updated Shoreline Master Program pursuant to the State Shoreline Guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

**~~(L.)~~ N. Alkali Wetlands**

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

**~~(M.)~~ O. Alley.**

See “public way” (SMC 17A.020.160).

~~((N.))~~ P. **Alteration.**

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
  - a. Changes to the facade of a building.
  - b. Changes to the interior of a building.
  - c. Increases or decreases in floor area of a building; or
  - d. Changes to other structures on the site, or the development of new structures.

~~((O.))~~ Q. **Alteration of Plat, Short Plat or Binding Site Plan.**

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat.

1. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

~~((P.))~~ R. **Alternative or Post-incarceration Facility.**

A group living use where the residents are on probation or parole.

~~((Q.))~~ S. **Alternative Tower Structure (“Stealth” Technology).**

Are manmade trees, clock towers, bell steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility”).

~~((R.))~~ T. **Antenna Array (Wireless Communication Antenna Array).**

1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

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~~((S-))~~ U.      **Antenna Height.**

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

~~((T-))~~ V.      **Antenna Support Structure.**

Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

~~((U-))~~ W.      **“API 653”**

The American Petroleum Institutes’ standards for Tank Inspection, Repair, Alteration, and Reconstruction.

~~((V-))~~ X.      **Appeal.**

A request for review of the interpretation of any provision of [Title 17 SMC](#).

~~((W-))~~ Y.      **Appeal, Standing For.**

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
  - a. The land use decision has prejudiced or is likely to prejudice that person.
  - b. That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision.
  - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

~~((X-))~~ Z.      **Applicant.**

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements.

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1. “Owners” are all persons having a real property interest. Owners include:
  - a. holder of fee title or a life estate;
  - b. holder of purchaser’s interest in a sale contract in good standing;
  - c. holder of seller’s interest in a sale contract in breach or in default;
  - d. grantor of deed of trust;
  - e. presumptively, a legal owner and a taxpayer of record;
  - f. fiduciary representative of an owner;
  - g. person having a right of possession or control; or
  - h. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

~~((Y.))~~ **AA.** **Application, Complete.**

An application that is both counter complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

~~((Z.))~~ **AB.** **Aquaculture.**

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR managed lands.

**AC.** **Aquatic Life.**

Shall mean all living organisms, whether flora or fauna, in or on water.

~~((Z.))~~ **AD.** **Aquifer or Spokane Aquifer.**

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

~~((AA.))~~ **AE.** **Aquifer Sensitive Area or ASA.**

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself, and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

~~((AB.))~~ **AE. Aquifer Water Quality Indicators.**

Common chemicals used for aquifer water quality screening. These are:

1. calcium,
2. magnesium,
3. sodium,
4. total hardness,
5. chloride,
6. nitrate-nitrogen, and
7. phosphorus.

**AF. Archaeological Areas and Historical Sites.**

Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provide a critical educational link with the past.

~~((AG.))~~ **AG. Area of Shallow Flooding.**

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.

AO is characterized as sheet flow and AH indicates ponding.

~~((AD.))~~ **AH. Area of Special Flood Hazard.**

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

1. Designation on maps always includes the letters A or V.

~~((AE.))~~ **AI. Arterial.**

See:

1. "Principal Arterials" - SMC 17A.020.160,

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2. “Minor Arterials” - SMC 17A.020.130,
3. “Collector Arterial” - SMC 17A.030.030; or
4. “Parkway” - SMC 17A.020.160.

~~((AF-))~~ **AJ. Assisted Living Facility.**

A multifamily residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath] and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.
2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AG-))~~ **AK. Attached Housing.**

Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,
2. row houses; and
3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

~~((AH-))~~ **AL. Attached Structure.**

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((A+))~~ AM. **Available Capacity.**

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification (RCW 76.70A.020).

AN. **Average Grade Level.**

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

Section 2. That SMC section 17A.020.020 is amended to read as follows:

**17A.020.020 “B” Definitions**

**A. Bank Carving**

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

**B. Bank Erosion**

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

**C. Bankfull Width**

1. For streams – the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands – line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

**D. Base Flood.**

1. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”
2. Designation on maps always includes the letters A or V.

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- E. **Basement.**  
The portion of a building having its floor sub-grade (below ground level) on all sides.
- F. **Bedrock.**  
Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
- G. **Bee.**  
Any stage of development of the common domestic honeybee, *Apis mellifera* species.
- ~~((G.))~~ H. **Beekeeper.**  
A person owning, possession or controlling one or more colonies of bees.
- ~~((H.))~~ I. **Best Available Science.**  
Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.
- ~~((I.))~~ J. **Best Management Practices.**  
"Best management practices," means the utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- ~~((J.))~~ K. **Bikeways/Pathways**  
Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:
1. Residential Bikeway.
  2. Shared-use Lane.
  3. Paved Shoulder.
  4. Bicycle Lane.
  5. Shared-use Pathway.
- ~~((K.))~~ L. **Binding Site Plan, Final.**  
A drawing to a scale which:

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1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters provided in SMC 17G.080.060;
2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.

A binding site plan can only be used on property zoned commercial or industrial.

~~((L-))~~ M.     **Binding Site Plan, Preliminary.**

A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

~~((M-))~~ N.     **Block.**

A group of lots, tracts or parcels within well defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

~~((N-))~~ O.     **Block Frontage.**

All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

~~((O-))~~ P.     **Board.**

The board of county commissioners of Spokane County.

Q.     **Boating Facilities.**

Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high water mark.

~~((P-))~~ R.     **Boundary Line Adjustment.**

A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

~~((Q.))~~ S.      **Breakaway Wall.**

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

~~((R.))~~ T.      **Breezeway.**

A breezeway is a roofed passageway joining two separate structures.

~~((S.))~~ I.      **Building.**

1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes “factory-built structure” and “mobile home.”
3. “Building” does not include a recreational vehicle.
4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

~~((T.))~~ U.      **Building Coverage.**

Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
2. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than forty-two inches above grade.
3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

~~((U.))~~ V.      **Building Envelope.**

The area of a lot that delineates where a building may be placed.

W.      **Bulkhead.**

A solid or open pile wall erected generally parallel to and near the ordinary high- water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 3. That SMC 17A.020.030 is amended to read as follows:

**17A.020.030 “C” Definitions**

- A. **Candidate Species.**  
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. **Carport.**  
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. **Cellular Telecommunications Facility.**  
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.
- D. **Certificate of Appropriateness.**  
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.
- E. **Certificate of Capacity.**  
A document issued by the planning department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.
- F. **Change of Use.**  
For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).
- G. **Channelization.**  
The straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
- H. **Channel Migration Zone, CMZ.**  
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- ~~((H.))~~ I. **City.**  
The City of Spokane, Washington.

~~((I.))~~ J.        **Clear Street Width.**

The width of a street from curb to curb minus the width of on-street parking lanes.

~~((J.))~~ K.        **Clear Zone.**

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

L.        **Clearing.**

The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

~~((K.))~~ M.        **Cliffs**

1. A type of habitat in the Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty five feet high and below five thousand feet elevation.
2. A “cliff” is a steep slope of earth materials, or near vertical, rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

~~((L.))~~ N.        **Closed Record Appeal Hearing.**

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application.

1. No new testimony or submission of new information is allowed.

~~((M.))~~ O.        **Collector Arterial.**

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

~~((N.))~~ P.        **Co-location.**

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

~~((Q.))~~ Q.      **Colony.**

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen and brood.

~~((P.))~~ R.      **Commercial Driveway.**

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

~~((Q.))~~ S.      **Commission, Historic Landmarks.**

The city/county historic landmarks commission.

~~((R.))~~ T.      **Community Meeting.**

An informal meeting, workshop or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1.      A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2.      A community meeting does not constitute an open record hearing.
3.      The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

~~((S.))~~ U.      **Compensatory Mitigation.**

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1.      Restoration:  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2.      Re-establishment:  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

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3. **Rehabilitation:**  
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. **Creation (Establishment):**  
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
5. **Enhancement:**  
The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.
6. **Protection/Maintenance (Preservation).**  
Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

~~(F.)~~ V. **Comprehensive Plan.**

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation and utilities.

~~(U.)~~ W. **Conceptual Landscape Plan.**

A scale drawing showing the same information as a general site plan plus the location, type, size and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

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1. The type of landscaping, L1, L2, or L3, is required to be labeled.
2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

~~((V-))~~ X. **Concurrency Certificate.**

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.

~~((W-))~~ Y. **Concurrency Facilities.**

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools; and
9. public wastewater (sewer and stormwater).

~~((X-))~~ Z. **Concurrency Test.**

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).

~~((Y-))~~ AA. **Conditional Use Permit.**

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

~~((Z.))~~ AB. **Condominium.**

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.

1. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

~~((AA.))~~ AC. **Confidential Shelter.**

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

~~((AB.))~~ AD. **Congregate Residence.**

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

~~((AC.))~~ AE. **Conservancy Environments.**

Those areas designated as the most environmentally sensitive and requiring the most protection in the current Shoreline Master Program or as hereafter amended.

~~((AD.))~~ AF. **Container.**

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

~~((AE.))~~ AG. **Cottage Housing.**

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles.
  - a. It may also include a community building, garden shed or other facility for use of the residents.

~~((AF.))~~ AH. **Council.**

The city council of the City of Spokane.

~~((AG.))~~ **AI. County.**

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

~~((AH.))~~ **AJ. Covenants, Conditions and Restrictions (CC&Rs).**

A document setting forth the covenants, conditions and restrictions applicable to a development, recorded with the Spokane county auditor and, typically, enforced by a property owner's association or other legal entity.

~~((AI.))~~ **AK. Creep**

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

~~((AJ.))~~ **AL. Critical Amount.**

The quantity component of the definition of critical material.

~~((AK.))~~ **AM. Critical Areas.**

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas or wetlands as defined under chapters 17E.010, 17E.020, 17E.030, 17E.040, and 17E.070.SMC.

~~((AL.))~~ **AN. Critical Facility.**

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools,
2. nursing homes,
3. hospitals,
4. police,
5. fire,
6. emergency response installations, and
7. installations which produce, use or store hazardous materials or hazardous waste.

~~((AM.))~~ **AQ. Critical Material.**

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental

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release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:

- a. domestic and industrial water supply,
- b. agricultural irrigation,
- c. stock water, and
- d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto

~~((AN-))~~ AP. **Critical Material Activity.**

1. A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.
2. A list of critical materials activities is contained in the Critical Materials Handbook.

~~((AQ-))~~ AQ. **Critical Materials Handbook.**

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane Water Quality Management Program ("208") Coordination Office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities , contains:
  - a. a critical materials list;
  - b. a critical materials activities list; and
  - c. other technical specifications and information.

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3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

~~((AP.))~~ **AR. Critical Review.**

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

~~((AQ))~~ **AS. Critical Review Action.**

1. An action by a municipal official or body upon an application as follows:
  - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
  - b. Application for a shoreline substantial development permit ([SMC 17G.060.070\(B\)\(1\)](#)).
  - c. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
  - d. Application for a variance or a certificate of compliance ([SMC 17G.060.070\(A\)](#) or [SMC 17G.060.070\(B\)\(1\)](#)).
  - e. Application for rezoning ([SMC 17G.060.070\(A\)](#)).
  - f. Application for conditional permit ([SMC 17G.060.070\(A\)](#)).
  - g. Application for a business license ([SMC 8.01.120](#)).
  - h. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
  - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
  - j. Application for connection to the City sewer or water system.
  - k. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).
  - l. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#) and [SMC 13.03.0324](#)).

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- m. Application involving a project identified in [SMC 17E.010.120](#).
  - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system;
  - o. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
  - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

~~((AR.))~~ AT. **Critical Review Applicant.**

A person or entity seeking a critical review action.

~~((AS.))~~ AU. **Critical Review Officer – Authority.**

- 1. The building official or other official designated by the director of public works and utilities.
- 2. For matters relating to the fire code, the critical review officer is the fire official.
- 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
- 4. The critical review officer imposes requirements based upon this chapter, regulations and the critical materials handbook.
- 5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter.

~~((AT.))~~ AV. **Critical Review Statement.**

A checklist, disclosure form or part of an application for a critical review action, disclosing the result of critical review.

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1. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

**AW. Cumulative Impacts.**

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

~~((AU.))~~ **AX. Curb Ramp.**

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

~~((AV.))~~ **AY. Cutbank**

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 4. That SMC 17A.020.040 is amended to read as follows:

**17A.020.040 “D” Definitions**

**A. Day.**

A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

**B. Debris Flow.**

Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

**C. Debris Slide.**

A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

**D. Dedication.**

The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the

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dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or at the City's option, by the City recording such dedication deed with the county auditor.

**E. Degraded Wetland.**

A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

**F. Demolition or Partial Demolition.**

The destruction, removal or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 4.13 SMC.

**G. Density.**

The number of housing units per acre as permitted by the zoning code.

**H. Department.**

Any of the departments of engineering services, planning services, fire department, or parks and recreation department for which responsibility has been assigned by charter or code for administration.

**I. Design Departure.**

Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.

**J. Design Guidelines.**

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

**K. Designation.**

The declaration of a building, district, object, site or structure as a landmark or historic district.

**L. Detailed Site Plan.**

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping and open spaces.

2. Ingress, egress, circulation, parking areas and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands and drainage.
7. Berms, buffers and screening devices; and
8. Such other elements as required in this chapter.

**M. Developable Area.**

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone and associated buffers, or any other restricted area on a particular piece of property.

**N. Development.**

Any proposed land use, zoning or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

**O. Development Activity, Floodplain.**

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**P. Development Approval.**

Any recommendation or approval for development required or permitted by this code.

**Q. Development Codes.**

The state adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

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**R. Development Permit.**

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

**S. Dike.**

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

**T. Direct Impact.**

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

~~((F.))~~ **U. Directional.**

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

~~((U.))~~ **V. Director.**

The administrative official of the department responsible for compliance with this code, the development codes and the land use codes. These include the director of building and code enforcement, director of engineering services and the director of planning services.

~~((V.))~~ **W. District.**

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites and/or structures united by past events or aesthetically by plan or physical development.

**X. Dock.**

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

~~((W.))~~ **Y. Documented Habitat.**

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

~~((X.))~~ **Z. Domestic Animal.**

1. Large.

Animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine and other animals or livestock of similar size and type. Young of horses, mules, donkeys, burros and llamas under one year in age; bovines under ten months in age, and sheep, goats and swine under three months in age are not included when counting large animals. Miniature large animals are considered large animals.

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2. Small.  
Animals or fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons and other fowl not listed or otherwise defined; mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type. Young small animals or fowl under three months in age are not included when counting small animal or fowl.

**AA. Drainage Ditch.**

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditched channels that support fish are considered to be streams.

**AB. Dredge Spoil.**

The material removed by dredging.

**AC. Dredging.**

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

**AD. Drift Cell.**

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

**(~~Y~~) AE. Driveway.**

An all-weather surface driveway structure as shown in the Standard Plans.

**(~~Z~~) AF. Duplex.**

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

**(~~AA~~) AG. Dwelling Unit.**

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

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Section 5. That SMC section 17A.020.050 is amended to read as follows:

**17A.020.050 “E” Definitions**

**A. Early Notice.**

The lead agency’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

**B. Easement.**

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

**C. Ecological Functions.**

Or “Shoreline Functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC 173-26-201(2)(c).

**D. Ecologically Intact Shorelines.**

Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact status of a shoreline is determined on a case-by-case basis.

**E. Ecosystem-Wide Processes.**

The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

**~~(C.)~~ E. Economic Hardship.**

An owner’s inability to make reasonable economic use of a historic structure as determined pursuant to SMC 17D.040.230.

~~((D-))~~ G.      **Elevated Building.**

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

~~((E-))~~ H.      **Emergent Wetland.**

A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.

~~((F-))~~ I.      **Endangered Species.**

A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance, or contamination and that are designated as such by a governmental agency.

~~((G-))~~ J.      **Enhancement.**

See "Compensatory Mitigation."

~~((H-))~~ K.      **Erosion.**

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

~~((I-))~~ L.      **Essential Habitat.**

Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.

M.      **Essential Public Facilities.**

Includes those facilities that are typically difficult to site, such as airports, colleges, universities, correctional facilities, solid waste stations, major highways or freeways, and inpatient facilities, including substance abuse treatment facilities, mental health facilities, and group homes.

~~((J-))~~ N.      **Ex Parte Communication.**

Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.

~~((K-))~~ O.      **Existing Manufactured Home Park or Subdivision, Floodplain.**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.

~~((L-))~~ P.      **Exotic.**

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Any species of plants or animals that are not indigenous and are foreign to the planning area.

~~((M.))~~ Q.      **Expansion to an Existing Manufactured Home Park or Subdivision, Floodplain.**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

~~((N.))~~ R.      **Extirpation.**

The local destruction of or extermination of a species.

~~((O.))~~ S.      **Extraordinary Hardship.**

That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

Section 6. That SMC section 17A.020.060 is amended to read as follows:

**17A.020.060            “F” Definitions**

**Facade.**

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

**Facade Easement.**

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

**Facility and Service Provider.**

The department, district or agency responsible for providing the specific concurrency facility.

**Factory-built Structure.**

- A.      “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- B.      “Factory-built commercial structure” is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly,

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professional or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

### **Fair Market Value.**

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

### **Feasible (Shoreline Master Program).**

For the purpose of the Shoreline Master Program means, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

### **Feeder Bluff.**

Or "Erosional Bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

### **Fill.**

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other

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material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

### **Financial Guarantee.**

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under [chapter 17D.020 SMC](#), Financial Guarantees: performance guarantee and performance/warranty retainer.

### **Fish Habitat.**

A complex of physical, chemical, and biological conditions that provide the life supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and instream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream and lake dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this Program. Riparian vegetation creates a transition zone, which provides shade, and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e. due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

### **Float.**

A floating platform similar to a dock that is anchored or attached to pilings.

### **Flood Insurance Rate Map or FIRM.**

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The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

### **Flood Insurance Study (FIS).**

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

### **Flood or Flooding.**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland waters; or
- B. the unusual and rapid accumulation of runoff of surface waters from any source.

### **Flood-Proofing.**

Structural provisions, changes, adjustments or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

### **Floodway.**

The area, as identified in the Shoreline Master Program, that either:

1. Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

### **Floor Area.**

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The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

- A. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
- B. Roof area, including roof top parking.
- C. Roof top mechanical equipment.
- D. Attic area with a ceiling height less than six feet nine inches.
- E. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
- F. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

### **Floor Area Ratio (FAR).**

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

### **Focused Growth Area.**

Includes mixed-use district centers, neighborhood centers and employment centers.

### **Frontage.**

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 7. That SMC section 17A.020.070 is amended to read as follows:

### **17A.020.070 “G” Definitions**

- A. **Gabions.**  
Works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.
- B. **Garage.**

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1. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types:
  - a. houses,
  - b. attached houses,
  - c. duplexes,
  - d. mobile homes, or houseboats.
2. Carports are considered garages.
3. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage.
4. A garage may be attached to or detached from another structure.

~~((B-))~~ **C. General Site Plan.**

1. An informal map of a proposed subdivision; or
2. A scale drawing showing:
  - a. The actual dimensions and shape of the site to be built upon;
  - b. the size and location of existing buildings on the site to the nearest foot; and
  - c. the location and dimensions of proposed building(s), structure(s) and alteration(s).

~~((G-))~~ **D. Genetic Diversity.**

The variety of different genes within a species. The larger the variety of genes in the gene pool of a species, or the less related the breeding individuals are, the greater the chances of that species surviving various adversities, such as disease.

~~((D-))~~ **E. Geologically Hazardous Area.**

An area that because of its susceptibility to erosion, sliding, or other geological events is not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

~~((E-))~~ **Geotechnical Study**

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~~A professional report by a certified and licensed geotechnician/civil engineer on a land development project, to determine susceptibility of geological hazards such as erosion, landslides, earthquakes, and other geologic events.))~~

F. **Geotechnical Report.**

Or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified professional that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local geology and processes.

~~(F.)~~ G. **Grade.**

The "grade" of a building is defined in the International Building Code, Sec. 502.1 as a grade plane representing the average of finished ground level adjoining the building of exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (one thousand, eight hundred twenty-nine mm) from the building, between the building and a point six feet (one thousand, eight hundred twenty-nine mm) from the building.

H. **Groins.**

A bank of shore-protection structure in the form of a barrier oblique to primary motion of water, deigned to control movement of bed material.

~~(G.)~~ I. **Group Living Structure.**

A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for group living uses.

Section 8. The SMC section 17A.020.080 is amended to read as follows:

### 17A.020.080 "H" Definitions

A. **Habitat.**

What plants and animals call "home." Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to

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reproduce and other living and non-living factors. (taken from department of fish and wildlife).

**B. Habitat Blocks.**

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

**C. Habitat Conservation.**

Protection or preservation of habitat by various means, such as regulation or acquisition.

**D. Habitat Fragmentation.**

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

**E. Habitat Management Plan.**

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

**F. Hazard Tree.**

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

**G. Hearing Officer.**

1. A person or reviewing body appointed by the mayor to consider appeals under [SMC 17E.010.140](#).
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

**~~(G.)~~ H. Height.**

The height of a building is as defined in the International Building Code, Sec. 502.1 as “building height”, the vertical distance from grade plane to the average height of the highest roof surface. Building height for structures in the residential zones is referenced in [SMC 17C.110.215](#), Building Height.

~~((H.))~~ I. **High Quality Vegetative Buffer.**

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

~~((I.))~~ J. **Historic Landmark.**

An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.

~~((J.))~~ K. **Historic Preservation Officer (HPO).**

The person charged with the daily operation of the historic preservation office and who:

1. under the administrative direction of the director of planning, community and economic development conducts the work program of the City/County historic preservation office; and
2. serves as the primary staff person for the City/County landmarks commission.

~~((K.))~~ L. **Hive.**

Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.

~~((L.))~~ M. **Homeowners' Association.**

Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.

~~((M.))~~ N. **House.**

A detached dwelling unit located on its own lot.

~~((N.))~~ O. **Household.**

A housekeeping unit consisting of:

1. an individual;
2. two or more persons related by blood or marriage;
3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
4. adult family homes as defined under Washington state law; or

5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and
6. up to six residents not related by blood or marriage, or in conjunction with any of the above individuals or groups, may occupy a dwelling unit. For purposes of this section, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

~~((Q.))~~ P. **Household Pet.**

Means any animal such as a cat, dog, rabbit or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.) or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of six months are not included when counting household pets.

Q. **Hydraulic Project Approval (HPA).**

A permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with RCW 77.55.

~~((P.))~~ R. **Hydric Soil.**

Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.

~~((Q.))~~ S. **Hydrophytic Vegetation.**

Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 9. The SMC section 17A.020.090 is amended to read as follows:

**17A.020.090 "I" Definitions**

**A. Impact Fee.**

A charge or fee assessed by the City which mitigates all or nay portion of a direct impact.

**B. Impermeable Sediment.**

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Sediment restricting the flow of water.

C. **Improvements.**

Improvements require under conditions of approval such as streets, drainage facilities and utilities.

D. **Incentives.**

Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.

E. **Inground Storage Tank or IST**

Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).

F. **In-Kind Compensation.**

The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.

G. **Inner Gorge Slope.**

Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty eight degrees (fifty three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least ten degrees (seventeen percent).

H. **In-Stream Structure.**

A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

**I. Infiltration.**

The downward entry of water into the immediate surface of soil.

**J. Integral Curb and Gutter.**

Concrete curb and gutter which is formed and placed as one unit.

**~~((I-))~~ K. Interstitial Monitoring.**

A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the detection of pressure changes within the space, the detection of vapors from the contained material within the space or, the physical detection of contained material, or water from outside the container, within the space.

**~~((J-))~~ L. Interstitial Space.**

The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

**M. Invasive Species.**

A species that is:

1. Non-native (or alien) to City of Spokane; and
2. Whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.

Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

**~~((K-))~~ N. Isolated Wetlands.**

Those wetlands which:

1. are outside of and not contiguous to any hundred-year floodplain of a lake, river, or stream; and
2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 10. The SMC section 17A.020.100 is amended to read as follows:

**17A.020.100 “J” Definitions**

**A. Jetty.**

An elongated artificial obstruction projecting into a stream from the bank to control shoaling or scour by deflection of current.

Section 11. That SMC 17A.020.120 is amended to read as follows:

**17A.020.120 “L” Definitions**

**A. Land Surveyor.**

An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

**B. Land Use Codes.**

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. ~~((shores management))~~ shoreline regulations,
4. stormwater control,
5. flood zones,
6. critical areas,
7. signs,
8. skywalks, and

include [chapter 11.12 SMC](#), chapter 11.17 SMC, chapter 11.19 SMC, chapter 17D.020 SMC, chapter 17D.050 SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC and chapter 17G.080 SMC

**C. Landscape Plan.**

A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.
2. Final site grading.
3. All parking areas and driveways.

4. All sidewalks, pedestrian walkways and other pedestrian areas.
5. Location, height and materials for all fences and walls.
6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

**D. Landslide.**

Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

**E. Latah Formation.**

Sedimentary layer of claystone to fine grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

**F. Launch Ramp.**

An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

**G. Leak Detection.**

A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.

**H. Levee.**

A natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

**~~((G.))~~ I. Level of Service Standard.**

The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.

**~~((H.))~~ J. Lighting Plan.**

A general site plan that includes:

1. location of all lighting fixtures on the site;
2. manufacturer's model identification of each lighting fixture;

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3. manufacturer's performance specifications of each fixture;
4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

~~((L-))~~ K. **Limited Industrial.**

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;
2. placement of digital or analog information on a physical or electronic medium;
3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell or vibration does not extend beyond the site; and
4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

~~((J-))~~ L. **Listed Species.**

A fish or wildlife species on a State or Federal Species of Concern list. Possible designations could include Endangered, Threatened, and Sensitive.

M. **Littoral Drift.**

The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents

~~((K-))~~ N. **Local Access Street.**

A street that provides access from individual properties to collector and minor arterials.

~~((L-))~~ O. **Lot.**

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat; or:
  - a. In an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or

- b. A building site designated as such on an approved planned development plan; or
  - c. An unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.
2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.
  3. A “corner lot” is a lot bounded on two adjacent sides by intersecting public streets.
  4. An “inside lot” is a lot other than a corner lot.
  5. A “through lot” is a lot bounded on opposite sides by parallel or approximately parallel public streets.

~~((M.))~~ P. **Lot Depth.**

The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

~~((N.))~~ Q. **Lot Lines.**

The property lines along the edge of a lot or site.

1. “Front lot line” means a lot line, or segment of a lot line, that abuts a street.
  - a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.
  - b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.
2. “Rear lot line” means a lot line that is opposite a front lot line.
  - a. A triangular lot has two side lot lines but no rear lot line.
  - b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
3. “Side lot line” means a lot line that is neither a front nor rear lot line.

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- a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.
4. “Side street lot line” means a lot line that is both a side lot line and a street lot line.
5. “Street lot line” means a lot line, or segment of a lot line, that abuts a street.
6. “Street lot line” does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

~~((Q-))~~ R. **Lot Width.**

The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

S. **Low Impact Development.**

A method of managing stormwater that aims to mimic the predevelopment hydrologic conditions of the site by using existing soil, vegetation, and topography to detain runoff and remove pollutants.

LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. (EPA Definition).

~~((P-))~~ T. **Low Visual Impact Facility.**

For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also “Alternative Tower Structure.”)

~~((Q-))~~ U. **Lowest Floor.**

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of [SMC 17E.030.140](#).

Section 12. That SMC 17A.020.130 is amended to read as follows:

**17A.020.130 “M” Definitions**

A. **Maintenance.**

Or “repair” means those usual activities required to prevent a decline, lapse or cessation from a lawfully established condition or to restore the character, scope, size, and design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility or improved area beyond the original design.

**B. Manufactured Home.**

1. “Manufactured home” is a single-family dwelling unit constructed after June 15, 1976, built in accordance with Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.
2. “Manufactured home accessory structure” is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch or storage structure, which is ordinarily appurtenant.

~~((B-))~~ **C. Manufactured Home Park.**

Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

**D. Marsh.**

A low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

**E. Mean Annual Flow.**

The average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous ten (10) years should be used in determining mean annual flow.

**F. Mining.**

The extraction and removal of sand, gravel, minerals or other naturally occurring material from the earth for economic use.

~~((C-))~~ **G. Minor Arterials.**

A two to four lane facility which collects and distributes traffic from principal arterials to collector arterials and local access streets.

~~((D-))~~ **H. Mitigation – Mitigate.**

An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

~~((E-))~~ **I. Mitigation, Mitigation Sequencing.**

The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

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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.

~~((F.))~~ J.      **Mobile Home.**

A factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act.

~~((G.))~~ K.      **Mobile Home Park.**

Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

~~((H.))~~ L.      **Modification to a Preliminary Plat, Short Plat or Binding Site Plan.**

A change, prior to recording, of an approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

~~((I.))~~ M.      **Modular Home.**

A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “pre-fabricated,” “panelized” and “factory-built” units.

~~((J.))~~ N.      **Monitoring.**

Periodic evaluation of a wetlands restoration, creation, or enhancement site or habitat management plan area to determine changes at the site, such as

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vegetation growth, hydrologic changes, soil development and use of the site by birds and animals.

~~((K.))~~ Q.      **Monument.**

A physical survey monument as shown in the City's Standard Plans.

~~((L.))~~ P.      **Multifamily Residential Building.**

A common wall dwelling or apartment house that consists of three or more dwelling units.

~~((M.))~~ Q.      **Multiple Containment.**

A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1.      Containment layers must be resistant to the material stored.
2.      The volume within the containment system must be at least as large as the primary container. Containment layers may be separated by an interstitial space.

~~((N.))~~ R.      **MUTCD.**

The U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

Section 13. That SMC 17A.020.140 is amended to read as follows:

**17A.020.140      “N” Definitions**

**A.      National Register.**

The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

**B.      Native Plant Community.**

The collective product of individual plants indigenous to a particular locale responding to shared habitats.

**C.      Native Vegetation.**

Plant species, which are indigenous to the planning area.

**D.      Natural Location of Drainage Systems.**

The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.

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- E. **New Construction, Floodplain.**  
Structures for which the date of complete application for permit commenced on or after July 1, 2004.
- F. **New Manufactured Home Park or Subdivision, Floodplain.**  
A manufactured home park or subdivision for which a complete application, as defined by [SMC 17G.060.090](#), for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.
- G. **NFPA 30.**  
The National Fire Prevention Association's Flammable and Combustible Liquids Code.
- H. **No Net Loss of Shoreline Ecological Functions.**  
A public policy goal that means the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.
- I. **Nominal Driveway Width.**  
The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the Standard Plans.
- ~~((H))~~ J. **Nomination.**  
The process by which a building, district, object, site or structure is recommended for placement on a register.
- ~~((J))~~ K. **Nonbuildable Tract.**  
Land reserved for specified uses including, but not limited to:
1. reserve tracts,
  2. recreation,
  3. open space,
  4. critical areas,
  5. surface water retention,

6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

~~((K.))~~ L. **Nonconforming Development.**

An element of a development, such as a setback, height or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

~~((L.))~~ M. **Nonconforming Situation.**

A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

~~((M.))~~ N. **Nonconforming Use.**

A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

O. **Non-Water Oriented Uses.**

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water-oriented.

~~((N.))~~ P. **Noxious Weeds.**

Those plants which are non-native, highly destructive and competitive as defined by chapter 17.10 RCW, or as amended.

~~((O.))~~ Q. **Nursing Home.**

A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

Section 14. That SMC 17A.020.160 is amended to read as follows:

**17A.020.160**

**“P” Definitions**

- A. **Parcel.**  
See “Lot.” (SMC 17A.020.120).
- B. **Parkway.**
  1. A street serving as a principal, minor or collector arterial, typically with recreational or scenic opportunities.
  2. Parkways will often have landscaped medians.
- C. **Party of Record.**  
Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.
- D. **Paved Area.**
  1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy-impact uses.
  2. Graveled areas are not paved areas.
- E. **Pedestrian Buffer Strips (PBS).**  
A hard surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.
- F. **Pedestrian Street.**
  1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.
  2. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables and bike racks, and visually interesting buildings close to the sidewalk.
- G. **Performance Guarantee.**  
A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.
- H. **Performance/Warranty Retainer.**

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.

**I. Permeable Sediment**

Sediment permitting the flow of water.

**J. Person.**

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation or other legal entity.

**K. Pier.**

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce; including, but not limited to: wharves, mono-buoys, quays, ferry terminals, and fish weighing stations.

**L. Planned Capacity.**

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

**~~(L.)~~ M. Planned Capacity for Transportation Facilities.**

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
  - a. increased public transportation service,
  - b. ride sharing programs,
  - c. demand management, and
  - d. other transportation systems management strategies.
2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

~~((M.))~~ N.      **Planned Unit Development (PUD).**

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.
2. The City may permit a variety of types, design and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare.

~~((N.))~~ O.      **Plans.**

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

~~((O.))~~ P.      **Plat, Final.**

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~((P.))~~ Q.      **Plat, Preliminary.**

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

~~((Q.))~~ R.      **Plaza.**

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees and landscaping, for use by pedestrians.

~~((R.))~~ S.      **Pollution.**

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.

~~((S-))~~ I.      **Potential Geologically Hazardous Areas**

Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the city. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

~~((T-))~~ U.      **Practicable Alternative.**

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 having less impact to critical areas. 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.

~~((U-))~~ V.      **Predevelopment Meetings.**

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process and procedural submission requirements.

~~((V-))~~ W.      **Primary Container.**

The container that is in direct contact with the material of concern during the course of normal transport, use or storage.

~~((W-))~~ X.      **Primary Drainage Basin.**

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River;
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

~~((X-))~~ Y.      **Primary Structure.**

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

~~((Y.))~~ Z. **Primary Use.**

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

~~((Z.))~~ AA. **Principal Arterials.**

A four to six lane street serving as a primary facility for access between the central business district, major employment districts and major shopping centers.

~~((AA.))~~ AB. **Priority Habitats.**

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density
2. High species diversity
3. Important wildlife breeding habitat
4. Important wildlife seasonal ranges
5. Important movement corridors
6. Limited availability
7. High vulnerability to habitat alteration

~~((AB.))~~ AC. **Priority Species.**

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

~~((AC.))~~ AD. **Private Street.**

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

~~((AD.))~~ AE. **Project Permit or Project Permit Application.**

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive

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plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

~~((AE.))~~ **AF. Protected Species.**

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

~~((AF.))~~ **AG. Proximity.**

That two or more properties are either adjacent or separated by a street or alley.

**AH. Public Access.**

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers and other public sites or facilities.

~~((AG.))~~ **AI. Public Facilities.**

Any City-owned, operated or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

~~((AH.))~~ **AJ. Public Property.**

Any City-owned real property, air space, or other interest in real estate, including streets, alleys or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

~~((A+))~~ **AK. Public Way.**

1. A dedicated “public way” is a tract of land:
  - a. conveyed or reserved by deed,
  - b. dedicated by plat, or
  - c. acquired by decree of court,

which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An “alley” is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 15. That SMC 17A.020.170 is amended to read as follows:

**17A.020.170 “Q” Definitions**

**A. Qualified Biologist.**

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

**B. Qualified Geotechnical Engineer.**

A practicing geotechnical civil engineer licensed as a professional civil engineer with the State of Washington with at least four years experience in landslide evaluation, soils and soils hydrology.

**C. Qualified Professional.**

A person with expertise in the pertinent scientific discipline directly related to the critical area in question. The qualified professional shall have a minimum of a B.S. or B.A., or equivalent certification, and a minimum of five years of directly related work experience.

**D. Qualified Wetlands Professional.**

A professional wetland scientist with at least two years of full time work experience as a wetlands professional, including delineating wetlands using the state federal manuals, preparing wetland reports, conducting function assessments and developing and implementing mitigation plans.

~~((D-))~~ **E. Quasi-judicial Decision.**

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A permit decision by an officer authorized by the local government in which judicial-like power is vested. The decision may be approval, denial or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

~~((E-))~~ **E. Queuing Area.**

A length of public or private street on the public side of an entrance gate that allows vehicles to exit the connecting street prior to the gate.

Section 16. That SMC 17A.020.180 is amended to read as follows:

**17A. 020.180 “R” Definitions**

**A. RCW.**

The Revised Code of Washington, as amended.

**B. Reasonable Cause.**

A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation or use of critical materials or the pursuit of critical materials activities at a site or premises.

**C. Reconsideration, Request For.**

A request to the appeal body to consider again or reverse the decision on the permit application.

**D. Recreational Vehicle.**

A vehicle, which is:

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

**E. Recycling Drop-off Center.**

A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil.

1. Processing of materials is limited to glass breaking and separation.

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2. Recycling materials are not sold to a recycling drop-off center.
3. A recycling drop-off center is intended for household or consumer use.
4. Use by commercial or industrial establishments is not included.
5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

**F. Recycling Operation.**

A use where one or more recycling materials are accumulated, stored, sorted or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.
2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.
3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

**G. Redivision.**

The redivision of a lot located within a previously recorded plat or short plat.

**H. Registered Neighborhood Organization.**

A Community Development Block Grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. represents a specifically designated geographic area;
2. is governed by by-laws and has elected officers; and
3. has registered as such with the City and is on the current list of registered neighborhood organizations.

**I. Regulated Substance.**

“Regulated substance” means a critical material as referred to in 42 U.S.C. 6991(2).

**J. Related Persons.**

One or more persons related either by blood, marriage, adoption or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be

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applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

**K. Repair; see also, Maintenance**

An activity that restores the character, scope, size and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design, and drain, dredge, fill, flood, or otherwise alter additional wetlands are not included in this definition.

**L. Reservoir.**

A body of water collected and stored in an artificial pool that is intended for future use.

**M. Residential Zone.**

Those zones from RA through RHD.

~~((M.))~~ **N. Restoration.**

See "Compensatory Mitigation."

**O. Revetment.**

A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to slow down bank erosion and minimize lateral stream movement.

~~((N.))~~ **P. Riparian.**

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.
2. It is the area where the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, and organic debris from the land.
3. Riparian Vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.
4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are

important movement corridors and are highly vulnerable to habitat alteration.

~~((Q-))~~ Q.      **Riparian Habitat Area, RHA**

A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

~~((P-))~~ R.      **Riparian Wetland.**

Wetlands located at the shore of a lake or river. 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.

S.      **Riprap.**

A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure of embankment; also the stone so used.

~~((Q-))~~ T.      **Riverine.**

Situated alongside or associated with a river

U.      **River Delta.**

Those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

~~((R-))~~ V.      **Roadway.**

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as “streets.” Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as “roads.”
2. Within the context of this code, “roadway” refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with [chapter 17D.050 SMC](#).

~~((S-))~~ W.      **Roadway Name.**

Roadway names consist of three parts:

1. Direction,
2. Root name: and

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3. Suffix.

**X. Rock Shore.**

Those shorelines whose bluffs and banks are typically composed of natural rock formations.

~~((T.))~~ **Y. Rockfall**

The falling of rocks from near vertical cliffs.

~~((U.))~~ **Z. Root Name.**

A maximum of two words, which are not considered part of the directional or suffix.

~~((V.))~~ **AA. Runoff and Infiltration Controls.**

Measures adopted to prevent damage due to flooding and erosion problems.

Section 17. That SMC 17A.020.190 is amended to read as follows:

**17A.020.190 “S” Definitions**

**A. Salmonid.**

Belonging to the family of Salmonidae, including the salmons, trouts, chars, and whitefishes.

**B. Scrub-shrub Wetland.**

An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

**C. Secondary containment.**

A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

**D. Sedimentation**

The settling and accumulation of particles such as soil, sand, and gravel, suspended in water or in the air.

**E. SEPA Rules.**

Chapter 197-11 WAC adopted by the department of ecology.

**F. Serviceable.**

Means presently useable

**G. Service Area.**

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A geographic area defined by the City, which encompasses public facilities that are part of a plan.

### H. **Setback.**

The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. “Front setback” means a setback that is measured from a front lot line.
2. “Rear setback” means a setback that is measured from a rear lot line.
3. “Side setback” means a setback that is measured from a side lot line.
4. “Street setback” means a setback that is measured from a street lot line.

### I. **Shall.**

Unless the context indicates otherwise the term “shall” means:

1. in reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with “must”;
2. with respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or
3. the future tense of the verb “to be.”

### J. **Shallow Groundwater.**

Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth of fifteen feet or less below the ground surface, at any time, under natural conditions.

### K. **Shorelands.**

Or “shoreline areas” or “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the entire Shoreline Master Program; the same to be designated as to location by the department of ecology.

- L. Shoreline and Ecosystems Enhancement Plan and Program.**  
See SMC 17E.020.090, Habitat Management Plans.
- M. Shoreline Buffer.**  
A designated area adjacent to the ordinary high-water mark and running landward to a width as specified by this regulation intended for the protection or enhancement of the ecological function of the shoreline area. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area. The term “buffer area” has the same meaning as “buffer.”
- N. Shoreline Enhancement.**  
Any alteration of the shoreline that improves the ecological function of the shoreline area or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.
- O. Shoreline Environment Designations.**  
The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The basic recommended system classifies shorelines into four distinct environments (natural, conservancy, rural, and urban). See WAC 173-16-040(4).
- P. Shoreline Jurisdiction.**  
See “Shorelands.”
- Q. Shoreline Habitat and Natural Systems Enhancement Projects.**  
Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. Projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- R. Shoreline Letter of Exemption.**  
Authorization from the City which establishes that an activity is exempt from Shoreline Substantial Development permit requirements under SMC 17E.060.300 and WAC 173-14-040, but subject to regulations of the Act and the entire Shoreline Master Program.
- S. Shoreline Master Program.**  
The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the

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policies enunciated in RCW 90.58.020. For the City of Spokane, the Shoreline Master Program includes the Shoreline Goals and Policies (Comprehensive Plan Chapter 14), Shoreline Regulations (Chapter 17E.060 SMC), City of Spokane Shoreline Restoration Plan (stand along document), and the Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

**T. Shoreline Mixed Use.**

Combination of water oriented and non-water oriented uses within the same structure or development area.

**U. Shoreline Modifications.**

Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

**V. Shoreline Protection.**

Structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action. The terms “shoreline protection measure” and this term have the same meaning. Substantial enlargement of an existing shoreline protection improvement is regarded as a new shoreline protection measure.

**W. Shoreline Recreational Development.**

Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-dependent, water-related and water-enjoyment recreational uses include river or stream swimming areas, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

**X. Shoreline Restoration.**

The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

**Y. Shoreline Stabilization.**

Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark. Other construction classified as shore defense works include groins, jetties and breakwaters, which are intended to influence wave action, currents and/or the natural transport of sediments along the shoreline.

**Z. Shorelines Hearings Boards (SHB).**

The Shorelines Hearings Board is a quasi judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

1. Appeals from any person aggrieved by the granting, denying or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW;
2. Appeals of department rules, regulations or guidelines; and
3. Appeals from department decisions to approve, reject or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

**~~((K-))~~ AA. Short Plat, Final.**

The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane county auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

**~~((L-))~~ AB. Short Plat, Preliminary.**

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and chapter 58.17 RCW.
2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

**~~((M-))~~ AC. Short Subdivision.**

A division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership. Ref: RCW 58.17.020(6).

**~~((N-))~~ AD. Sign – Animated Sign.**

A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

**~~((O-))~~ AE. Sign – Changing Message Center Sign.**

An electronically controlled sign, message center or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news or commercial information of interest to the traveling public).

**~~((P-))~~ AF. Sign – Chasing Sign.**

A sign that includes one or more rows of lights which light up in sequence.

~~((Q.))~~ **AE. Sign –Flashing or Pulsating Sign.**

1. An electrical sign or portion of an electrical sign which changes light intensity in sudden transitory bursts, not including signs where the change in light intensity occurs at intervals of more than one second.
2. Flashing signs do not include chasing signs.

**AF. Significant Vegetation Removal.**

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

~~((R.))~~ **AG. Single-family Residential Building.**

A dwelling containing only one dwelling unit.

~~((S.))~~ **AH. Single-room Occupancy Housing (SRO).**

A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.
2. SRO includes structures commonly called residential hotels and rooming houses.

~~((T.))~~ **AI. Site.**

Any parcel of land recognized by the Spokane county assessor's office for taxing purposes. A parcel may contain multiple lots.

~~((U.))~~ **AJ. Site, Archaeological.**

A place where a significant event or pattern of events occurred. It may be the:

1. location of prehistoric or historic occupation or activities that may be marked by physical remains; or
2. symbolic focus of a significant event or pattern of events that may not have been actively occupied.

A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural or archaeological significance.

~~((V.))~~ AK. **Slump**

The intermittent movement (slip) of a mass of earth or rock along a curved plane.

~~((W.))~~ AL. **SMC.**

The Spokane Municipal Code, as amended.

~~((X.))~~ AM. **Special Drainage District, SDD.**

An area associated with shallow groundwater, intermittent standing water or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in [SMC 17D.060.130](#).

~~((Y.))~~ AN. **Species of Concern.**

Species native to Washington State listed as State Endangered, State Threatened, State Sensitive, or State Candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

~~((Z.))~~ AO. **Specified Anatomical Areas.**

They are human:

1. genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;
2. male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~((AA.))~~ AP. **Specified Sexual Activities.**

Any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

~~((AB.))~~ AQ. **Spokane Register of Historic Places.**

The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

~~((AC.))~~ AR. **Standard Plans.**

Refers to the City of Spokane's Standard Plans.

~~((AD.))~~ **AS. Standard References.**

Standard engineering and design references identified in [SMC 17D.060.030](#).

~~((AE.))~~ **AT. State Candidate Species**

Fish and wildlife species that WDFW will review for possible listing as State Endangered, Threatened, or Sensitive.

~~((AF.))~~ **AU. State Endangered Species.**

Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

~~((AG.))~~ **AV. State Register.**

The register maintained pursuant to Chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

~~((AH.))~~ **AW. State Sensitive Species.**

Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((AI.))~~ **AX. State Threatened Species.**

Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

~~((AJ.))~~ **AY. Stealth Facilities.**

Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. architecturally screened roof-mounted antennas,
2. building-mounted antennas painted to match the existing structure,
3. antennas integrated into architectural elements, and
4. antenna structures designed to look like light poles, trees, clock towers, bell steeples or flag poles.

~~((AK.))~~ **AZ. Stewardship.**

Acting as supervisor or manager of the City and County's historic properties.

~~((AL-))~~ **BA. Stormwater.**

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
2. “Stormwater” further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

~~((AM-))~~ **BB. Story.**

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;
2. that portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;
3. that portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and
4. a basement or unused under-floor space is a story if the finished floor level directly above is either:
  - a. more than six feet above grade for more than half of the total perimeter; or
  - b. more than twelve feet above grade at any point.

**BC. Stream.**

A naturally occurring body of periodic or continuously flowing water where the:

1. Mean annual flow is greater than twenty cubic feet per second; and
2. Water is contained within a channel. [WAC 173-22-030(8)].

~~((AN-))~~ **BD. Street.**

See “Public Way.”

~~((AQ-))~~ **BE. Street Classifications.**

Arterial and local access streets are classified in Section of 4.5 the comprehensive plan as follows:

1. Principal Arterial.
2. Minor Arterial.
3. Collector Arterial.
4. Local Access Street.
5. Parkway.

Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under [SMC 17A.020.160](#), “P” Definitions.

~~((AP-))~~ **BF. Structure.**

Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:
  - a. buildings,
  - b. decks,
  - c. fences,
  - d. towers,
  - e. flag poles,
  - f. signs, and
  - g. other similar objects.
2. Structure does not include paved areas or vegetative landscaping materials.

~~((AQ-))~~ **BG. Structure, Historic.**

A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

~~((AR-))~~ **BH. Subdivision.**

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A division or redivision of land into ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership. Ref: RCW 58.17.020.

~~((AS.))~~ **BI. Subject Property**

The site where an activity requiring a permit or approval under this code will occur.

~~((AT.))~~ **BJ. Sublevel Construction Controls.**

Design and construction requirements provided in [SMC 17F.100.090](#).

~~((AU.))~~ **BK. Submerged Aquatic Beds.**

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

~~((AV.))~~ **BL. Substantial Damage, Floodplain.**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

**BM. Substantial Development.**

For the Shoreline Master Program, shall mean any development of which the total cost or fair market value exceeds the dollar amount set forth in RCW 90.58 and WAC 173-26 for any improvement of property in the shorelines of the state.

~~((AW.))~~ **BN. Substantial Improvement, Floodplain.**

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:
  - a. before the improvement or repair is started; or
  - b. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
2. The term does not, however, include either:
  - a. any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. any alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

~~((AX.))~~ **BO. Suffix.**

Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with [SMC 17D.050.020\(C\)](#).

Section 18. That SMC 17A.020.200 is amended to read as follows:

**17A.020.200 “T” Definitions**

**Temporary Structure.**

A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

**Tideland.**

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

**Tower (Wireless Communication Support Tower).**

Any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower and other similar structures.

**Tower Compound.**

The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.

**Tower Height.**

The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

**Tract.**

A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs).

**Traveled Way.**

The area of street which is intended to carry vehicular traffic, including any shoulders.

**Type I Application.**

An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a public hearing. Type I applications are identified in Table 17G.060-1 in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, building permits and grading permits.

**Type II Application.**

An application for a project permit that is subject to a quasi-judicial decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), but does not require a public hearing. The Type II applications are identified in Table 17G.060-1 in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, short plats, binding site plans or shoreline substantial development permits.

**Type III Application.**

An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in Table 17G.060-1 in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats or shoreline conditional use permits.

Section 19. That SMC 17A.020.210 is amended to read as follows:

**17A. 020.210 “U” Definitions**

**A. Unavoidable and Necessary Impacts.**

Impacts to wetlands or other critical areas that remain after an applicant for a wetland permit or other activity has demonstrated that no practicable alternative exists for the proposed project.

**B. Underground storage tank.**

“Underground storage tank” or “UST” means any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate volume of which (including the volume of underground piping connected thereto) is more than sixty gallons, and is located fully below the surface and covered by ground.

1. Tanks located in a vault will require that the vault meet the requirements for secondary containment of a UST.
2. Tanks located in vaults or buildings that cannot be visually inspected shall meet the requirements of a UST.

- C. **Upland.**  
For the Shoreline Master Program, generally described as the area above and landward of the ordinary high water mark.
- D. **Urban Forestry Management.**  
Management of the trees within urban areas, including trees lining city streets and those found in parks and open spaces.
- ~~(D.)~~ E. **Utilities.**  
Infrastructure services, including those in the basic utility use category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include:
1. water,
  2. sanitary sewer,
  3. electricity,
  4. natural gas, and
  5. telephone.

Section 20. That SMC section 17A.020.230 is amended to read as follows:

**17A. 020.230 “W” Definitions**

- A. **Washington State Wetland Identification and Delineation Manual.**  
Department of ecology Publication #96-94 as current or hereafter amended. WAC 173-22-080 Wetland Delineation Manual states the manual is to be used by local governments in implementing local regulations under the Growth Management Act (chapter 36.70A RCW).
- B. **Water-Dependent.**  
A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, but should not be limited to, boat ramps for rescue watercraft, seaplane dock, hydroelectric generating plants, and sewage treatment outfalls.
- C. **Water Dependent Structure.**  
A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**D. Water-Enjoyment Use.**

A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples of water-enjoyment uses may include, but are not limited to, river and stream swimming beaches, fishing areas, boat ramp for recreation, parks, piers, view towers, restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, public markets, and interpretive centers and other improvements facilitating public access to shorelines of the state, provided, that such uses conform to the above water enjoyment specifications and the provisions of the Shoreline Master Program.

**E. Water Quality.**

Means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this regulation and affecting water quantity, such as impermeable surfaces and storm water handling practices.

**F. Water-Related Use.**

A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses may include, but should not be limited to, warehousing, storage, or processing, where the goods are delivered to or shipped from the site by water.

**~~(D.)~~ G. Waters of the State.**

A five-tier classification system of water bodies set up by the state in the Forest Practices Rules and Regulations (WAC 222).

**H. Watershed Restoration Project.**

A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

1. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
2. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
3. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

**I. Watershed Restoration Plan.**

A plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

**J. Weir.**

A structure in a stream or river for measuring or regulating stream flow.

**~~(E-)~~ K. Wetland Banking.**

Involves the off-site created, restoration and/or enhancement of wetlands to compensate for unavoidable wetlands impacts associated with development. The newly created or restored site functions as a 'bank' which can issue credits to compensate for future wetland impacts.

~~((F-))~~ L.      **Wetland Buffer or Wetland Buffer Area.**

An area that surrounds and protects a wetland from adverse impacts to the functions and values of a wetland. The buffer width shall be determined according to the rating assigned to the wetland in accordance with [SMC 17E.070.100](#). Buffer width is measured outward from the wetland boundary.

~~((G-))~~ M.      **Wetland Buffer – Wetland Buffer Zone.**

An area that surrounds and protects a wetland from adverse impacts to the functions and values of a wetland. Buffer width is measured outward from the wetland boundary.

~~((H-))~~ N.      **Wetland Functions.**

The physical, biological, chemical and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform many valuable functions and these can be grouped into three categories:

1. Functions that improve water quality.
2. Functions that change the water regime in a watershed such as flood storage; and
3. Functions that provide habitat for plants and animals.

~~((I-))~~ O.      **Wetland Types.**

The wetland classes or subclasses of the wetlands taxonomic classification system described in the U. S. Fish and Wildlife Services Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (Cowardin et al., 1979).

~~((J-))~~ P.      **Wetland Values.**

The wetland processes, characteristics, or attributes that are considered to benefit society.

~~((K-))~~ Q.      **Wetlands.**

1. Consistent with RCW 36.70A.030(21), “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.
2. Wetlands generally include swamps, marshes, bogs and similar areas.
3. 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

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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.

4. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

~~((L.))~~ **R. Wetlands Exempt from Regulation.**

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.

~~((M.))~~ **S. Wetlands of Local Significance.**

Wetlands evaluated for a higher category utilizing the Washington State Wetlands Rating System for Eastern Washington (2007), or as amended.

~~((N.))~~ **T. Wetlands Permits.**

Any permit, modification, revision or variance issued, conditioned or denied pursuant to this code.

~~((O.))~~ **U. Wireless Communication Facility.**

Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Section 21. Effective Date. This ordinance shall be effective thirty days after its enactment in accordance with section 19 of the City of Spokane charter or the date on which the Washington State Department of Ecology approves the City's updated Shoreline Master Program as provided by RCW 90.58.090, whichever is later.

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PASSED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney BAB 10-10-08

\_\_\_\_\_  
Mayor  
Bab101408

\_\_\_\_\_  
Date