



Spokane Plan Commission Agenda

August 8, 2018

2:00 PM to 4:15 PM

Council Chambers

808 W. Spokane Falls Blvd., Spokane WA 99201

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each Citizens are invited to address the Plan Commission on any topic not on the agenda.

Commission Briefing Session:

2:00 -2:15	1) Approve July 25, 2018 meeting minutes	All
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Report	Patricia Hansen
	4) President Report	Dennis Dellwo
	5) Transportation Sub- Committee Report	John Dietzman
	6) Secretary Report (see attachment)	Heather Trautman

Workshops:

2:15 – 3:45	1) Property Maintenance Code	Alicia Ayars/Luis Garcia
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Items of Interest:

3:45-4:15	1) Member Items of Interest/Requests for Future Agenda	All
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Adjournment:

Next Plan Commission meeting will be on September 5, 2018 at 2:00 pm

The password for City of Spokane Guest Wireless access has been changed: Username: COS Guest Password: 96638NaC

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Spokane Plan Commission

July 25, 2018

Meeting Minutes: Meeting called to order at 2:00

Attendance:

- Board Members Present: Dennis Dellwo, Carole Shook, Diana Painter, Greg Francis, John Dietzman, Michael Baker, Patricia Kienholz, Sylvia St. Clair, Patricia Hansen; Community Assembly Liaison
- Board Not Members Present: Christopher Batten, Todd Beyreuther, Lori Kinnear; Council Liaison
- Staff Members Present: Heather Trautman, Kim Richards

Public Comment:

- None

Briefing Session:

Minutes from the July 11, 2018 agenda approved unanimously

1. City Council Liaison Report
 - None
2. Community Assembly Liaison Report
 - Greg gave an update from the Community Assembly Land Use Committee
 - Patricia Hansen welcomed as new Community Assembly Liaison
3. Commission President Report-Dennis Dellwo
 - Dennis requested that commissioners submit topics for discussion at the joint City Council/Plan Commission meeting on August 2, 2018.
4. Transportation Subcommittee Report-John Dietzman
 - The PCTS meetings for August and September are cancelled. The next scheduled meeting is October 2, 2018.
5. Secretary Report-Heather Trautman
 - The IT Department has resolved the issue with automatic archiving of emails and communications will now remain in the inbox for the full term on the Plan Commission. Any emails received prior to February 2018 will not reappear in the inbox and must be requested individually.
 - A training budget is being pursued and the goal is to send each member of the Plan Commission to one training or conference per year.
 - Information relating to Crestline is now on the City's website on the City Project Page.

Workshops:

1. Parking Study Presentation - Phil Olmstead with Nelson-Nygaard
 - Presentation and overview given. Currently halfway through Phase 1 and the goal is to finish by February 2019.
 - Questions asked and answered.
2. Property Maintenance Code - Alicia Ayars and Luis Garcia, City of Spokane Code Enforcement
 - Presentation and overview given of the first three articles of the PMC. This code would apply to all existing structures. The goal is to adopt the code this year and begin enforcement in 2019.
 - Questions asked and answered. Additional questions will be addressed at the next workshop.

Items of Interest:

1. Patricia Kienholz would like to discuss a Dementia Friendly Community program.
2. Heather will add a workshop regarding the Transportation Impact Fee to an upcoming agenda.
3. There will be a Plan Commission retreat, possibly in September.

Meeting Adjourned at 3:58

Next Plan Commission Meeting is scheduled for **August 8, 2018**

BRIEFING PAPER
City of Spokane
Plan Commission Meeting
August 8, 2018

Subject

Amendments to the Spokane Municipal Code pertaining to the City's Elevator Code. This briefing paper is being provided to the Plan Commission as a courtesy in compliance with SMC 17G.025.010(J). This matter will not come before the Plan Commission for consideration; City Council will act on this matter.

Background

The state of Washington allows for random witnessed testing for elevators, escalators and other conveyance systems; however, witnessed testing is being refused even with written and verbal notice of these requirements.

Witnessed testing conducted by conveyance inspectors have found that approximately 30% of conveyance systems are not being maintained due to improperly adjusted escalator safety switches and devices and elevator overspeed valves (valves that prevent elevator freefall).

To ensure proper and safe operation of conveyance systems, inspections during annual testing and cleaning of equipment are critical.

Proposed amendments to the City's Elevator and related codes include locally codified witnessed inspection requirements and minor edits to clarify both industry terminology and previously adopted code. The proposed text amendment includes the following:

- Codifies the City's authority regarding witnessed testing of conveyance systems.
- Revises elevator permit and inspection fees.
- Add penalties for failure to comply with inspection and decommissioning of conveyances.
- Includes minor text edits related to common industry terms.
- Clarifies permitting process including requirements to meet other adopted codes.
- Adds specific reference to the City's adoption of the International Building Code of the City's Adopted Elevator code including.

Public Outreach

Proposed amendments are subject to the City Council's adoption process including Council Committee briefing. Planned public outreach includes project webpage, blog post, and email outreach to local industry experts, Business Operators and Managers and other parties who have shown interest in these building codes.

Additional Information:

Please contact Duane Leopard at dleopard@spokanecity.org if you have comments or would like to request a draft.

Comment Log Property Maintenance Code

Summary:

The comment log is the accumulation of substantive comments received through public engagement activities from 2017-2018 for the Property Maintenance Code. In reviewing this information it is important to keep in mind that additional outreach and public engagement activities have occurred, however, there were either no comments made or no substantive comments to include in the comment log. Below is an additional list of public engagement activities that have occurred.

Written comments, emails and surveys are available upon request.

Public Engagement Activities:

2017

June

- Integrated Housing Quality and Infill Development Meeting
- Title 18 Housing Forum

July-November

- Project and Advisory Team materials forwarded to impacted groups and requested that all materials be forwarded on to their memberships (Tenants Union of WA, Landlord Association, Spokane Home Builders, Spokane Regional Health District, City Council, Community Assembly Rep.)

2018

February

- Community Assembly

As part of the educational campaign for the Property Maintenance Code the following meetings are scheduled to have a presentation of the PMC followed by Q&A.

August

- Spokane Home Builders Association
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September

- Landlord Association

Comment Log						
Housing Quality Definitions & Minimum Standards						
NUMBER	DATE	NAME/EVENT	OTHER INFO	COMMENT SUMMARY	STAFF RESPONSE	CHANGE TO CODE Y/N
1	6/28/2018	Facebook Live Event	1,476 People Reached, 512 Video Views, 30 Reactions/Comments/Shares, 201 Posts Clicks	Will codes apply to homes that are for sale, where is a copy of the draft PMC.	Comments/Questions addressed throughout Live Event	No
2	7/9/2018	Steve Corker	Emailed comment from membership	Concern with subjectivity of inspections. Select code sections have questions	Will address at membership meeting in September	No
3	7/27/2018	PMC Video on Facebook	5,646 People Reached, 2,503 Video Views, 247 Reactions/Comments/Shares, 1,584 Post Clicks	Concerns: Government over regulating and concern that enforcement of the code will be too great. Public would better like to understand enforcement and appeal process. Housing quality standards are needed for Spokane.		Yes - Will use comments to guide public education information/materials.
4	2/1/2018	Community Assembly			Staff provided presentation, Q&A at meeting	Yes - Considered comments.
5	6/20/17-7/10/17	Housing Standards Survey	22 Completed Surveys, 68 Partially Completed	Participants voted from strongly disagree to strongly agree on each IPMC code item. Participants added comments for each section. Generally, participants scored highly agree on improving exterior and premises conditions, felt it was heavy handed to place a code violation on interior of structure, were open to select items.	Comments were shared and discussed with Project Team. High consideration given to code sections that scored high on the highly disagree sections.	Yes - comments were highly considered and were integrated into code language process.
6	6/13/2017	Community Forum - NECC	15 Attendees	Attendees primarily landlords and members of the Landlord Assoc. of WA, tenants and property owners. Landlords concerned with city regulating private property, felt specific sections of the code (i.e. peeling paint, cracked foundations/sidewalks...) were too strict and would result in overburdening the city with enforcement. Tenants felt housing safety and quality would be improved.	Project Team members attended the forum. Project Team visited with attendees on 1:1/small groups and addressed code questions. Comments were taken verbally.	Yes - Project Team members who attended provided overview of the group, code sections were addressed.
7	6/13/2017	Barbara Morrissey	Emailed comment	Limited housing codes, this is a need. Codes should not apply to private property. Concern that codes will place people in violation on the street.	Sent email response.	Yes - Considered by Project Team.
8	6/14/2017	Community Forum - WCCC	20 Attendees	Attendees were mix of landlords, tenants and property owners. Many attendees were from the West Central Neighborhood. Much concern from group regarding private property rights and city infringing upon those rights. Concerns with codes dealing with peeling paint, cracks in foundation and sidewalks.	Project Team members attended the forum. Project Team visited with attendees on 1:1/small groups and addressed code questions. Comments were taken verbally.	Yes - Project Team members who attended provided overview of the group, code sections were addressed
9	6/14/2017	Forum -WCCC	Laura Renz	Commentor addresses concern for older homes and coming into compliance with property maintenance codes, how to address low income individuals who are in violation of the code. Concerns with specific sections (Article 4, 6) Overall, badly need standards for housing, especially rentals.	Met with commentor at community forum and addressed comments in person	Yes - more education about the substandard building process and how to address concerns regarding low income individuals. Address both through educational campaign before enforcement occurs.
10	6/14/2017	Forum -WCCC	Betty Stirtz	General concern with responsibility of owners and occupants of rentals. Would like to see a definition created for 'clean, safe and sanitary'.	Met with commentor at community forum and addressed comments in person	Yes - Considerations for educational campaign
11	6/15/2017	Community Forum - ECCC	16 Attendees	Mixed group of landlords, tenants and home owners.	Project Team members attended the forum. Project Team visited with attendees on 1:1/small groups and addressed code questions. Comments were taken verbally.	Yes - Project Team members who attended provided overview of the group, code sections were addressed
12	6/10/2017	Golden Empire Realty (Landlord Associ. of WA shared PMC with membership)	No Name	Opposed specific section of the code, listed sections.	Sections were addresses in Project Team and Advisory Team meetings.	Yes - comments were highly considered and integrated or removed from code language.
13	6/23/2017	Arthur Whitten	Emailed comment	Received feedback from Spokane Home Builders Association with concern about standards being applied equitable to owner-occupied housing and enforcement and how it applies to Spokane's aging housing stock	Concerns addressed at Project Team meeting	Yes - Considered.
14	6/28/2017	Dustin Hall	Emailed comment, follow up after taking survey	Suggested adding a standards on phone and internet access. Requirement for all property owners of rental units/room to maintain accessibility to phone/internet.		No
15	6/30/2017	Comment Card	1 - mailed in comment	Code will have a negative affect on rental housing market by causing additional expences, those expenses will be required to be passed on to the tenants.	Comment received by mail, no contact information	No
16	6/30/2017	Comment Card	1 - mailed in comment	Additional costs to property owners will result in raising/increasing rents and will be passed on to tenants which hurts the people that the code is trying to help. Every cost incurred by property owner has to be passed on to tenant.	Comment received by mail, no contact information	No
17	6/30/2017	Comment Card	1 - mailed in comment	704.3 Power Source. Smoke alarm power source. Concern that battery powered smoke alarms should be allowed.	Comment received by mail, no contact information	Yes - section was removed from code
18	6/30/2017	Comment Card	1 - Received at Community Forum, unmarked	Addresses purpose of Mayor's Housing Quality Task Force and Safety sub-committee, commentor feels the purpose of the two groups was to address rental housing. Inclusion of property owners is to distract by those who want to mire the process by involving property owners.	Comment received at Community Forum, no identification on card	Yes - considered

19	7/12/2017	Peecheng Chen	Emailed comment after forum	Attended WCCC Community Forum followed up with email. Concern that code dose not address underlying issue. List of concerns by tenants and list of suggestions to address those concerns	No - items addressed are outside of this process.
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Property Maintenance Code – Terms & Definitions

Anchored. Secured in a manner that provides positive connections.

Approved. Acceptable to the *code official*.

Basement. That portion of the building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Detached. When a structural element is physically disconnected for another and that connection is necessary to provide a positive connection.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equipment Support. Those structural members or assemblies

Exterior Property. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

Historic Building. Any building or structure that is one or more of the following:

- a. Listed or certified as eligible for listing, by the Spokane Historic Preservation Officer in the Spokane Register of Historic Places.
- b. Certified as a contributing resource within a National Register or state or locally designated historic district.

Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

Labeled. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

Let for occupancy or Let. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect. The lack of proper maintenance for a building or *structure*.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied

Occupant. Any Individual living or sleeping in a building, or having possession of a space within a building.

Openable Area. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure of *premises* which is let or offered for *occupancy*.

Owner. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the

executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership or any other group acting as a unit.

Pest Elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

Premises. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

Rooming House. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming Unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure. That which is built or constructed or a portion thereof.

Tenant. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

Toilet Room. A room containing a water closet or urinal but not a bathtub or shower.

Ultimate Deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

DRAFT

ORDINANCE NO. C - _____

Article 1 Scope and Administration

Part 1-- Scope and Application

Section 17F.075.010 General
Section 17F.075.020 Applicability

Part 2 – Administration and Enforcement

Section 17F.075.030 Property Maintenance Administration and Enforcement
Section 17F.075.040 Duties and Powers of the Code Official
Section 17F.075.050 Approval
Section 17F.075.060 Violations
Section 17F.075.070 Notices and Orders

Article 2 Definitions

Section 17F.075.080 General

Article 3 General Requirements

Section 17F.075.090 General Requirements
Section 17F.075.100 Exterior Property Areas
Section 17F.075.110 Exterior Structure
Section 17F.075.120 Interior Structures
Section 17F.075.130 Handrails and Guardrails
Section 17F.075.140 Pest Elimination

Article 4 Light, Ventilation and Occupancy Limitations

Section 17F.075.150 General
Section 17F.075.160 Light
Section 17F.075.170 Ventilation
Section 17F.075.180 Occupancy Limitations

Article 5 Plumbing Facilities and Fixture Requirements

Section 17F.075.190 General
Section 17F.075.200 Required Facilities
Section 17F.075.210 Toilet Rooms
Section 17F.075.220 Plumbing Systems and Fixtures
Section 17F.075.230 Water Systems
Section 17F.075.240 Sanitary Drainage System
Section 17F.075.250 Storm Drainage

Article 6 Mechanical and Electrical Requirements

Section 17F.075.260	General
Section 17F.075.270	Heating Facilities
Section 17F.075.280	Electrical Facilities

Article 7 Fire Safety Requirements

Section 17F.075.290	General
Section 17F.075.300	Means of Egress
Section 17F.075.310	Fire Protection Systems

Article 8 Referenced Standards

Section 17F.075.320	List of Standards
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Chapter 17F.075

Property Maintenance Code

Article 1 Scope and Administration

Part 1 Scope and Application

Section 17F.075.010 General

- A. Title.** These regulations shall be known as the *Property Maintenance Code* of City of Spokane, hereinafter referred to as “this code.”
- B. Scope.** The provisions of this code shall apply to all existing residential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; and for administration, enforcement and penalties.
- C. Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

- D. Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 17F.075.020 Applicability

- A. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- B. Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, owner's authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.
- D. Existing Remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.
- E. Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings under SMC 17D.040.090 on the Spokane Register of Historic Places or on the National Register of Historic Places where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.
- F. Referenced Codes and Standards.** The codes and standards referenced in this code shall be those that are listed in Article 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in the Exceptions section, Conflicts and Provisions in referenced codes and standards.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

2. Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

G. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

H. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

I. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

Part 2 – Administration and Enforcement

Section 17F.075.030 Property Maintenance Administration and Enforcement

A. General. This chapter is hereby created and administered by the Building Official, or their designee as appropriate. The office and designee for the administration and enforcement of this chapter shall be known as the *code official*.

B. Liability. The *code official* or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

1. Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the

proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 17F.075.040 Duties and Powers of the Code Official

- A. General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- B. Inspection.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- C. Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, subject to constitutional restrictions on unreasonable searches and seizures, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, owner's authorized agent or other person having charge or control of the *structure* or *premises* and request entry.
- D. Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.
- E. Notices and Orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.
- F. Department Records.** The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such

records shall be retained in the official records for the period required for retention of public records.

Section 17F.075.050 Approval

- A. Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- B. Alternative Materials, Methods and Equipment (AM&M).** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing either approving or denying the AM&M report.

Section 17F.075.060 Violations

- A. Unlawful Acts.** It shall be unlawful for a structure or a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- B. Notice of Violation.** The *code official* shall serve a notice of violation or order in accordance with Section 17F.075.070 herein below.
- C. Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 17F.075.070 shall be issued a civil infraction which is filed with Spokane Municipal Court.

Section 17F.075.070 Notices and Orders

- A. Notice to person Responsible.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections B. Form and C. Method of Service to the person responsible for the violation as specified in this code.
- B. Form.** Such notice prescribed in Section A above shall be in accordance with Spokane Municipal Code Chapter 1.05 and all of the following:
1. Be in writing.
 2. Include a description of the real estate sufficient for identification.
 3. Include a statement of the violation or violations and why the notice is being issued.
 4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
- C. Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:
1. Delivered personally; or
 2. Sent by mailing addressed to the last known address in the Spokane County Assessor's records; or
 3. Posted in a conspicuous place in or about the structure affected by such notice.
- D. Unauthorized Tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.
- a. **Penalties.** A violation of this code is subject to penalties for noncompliance with notices and shall be a class 2 civil infraction. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.

Article 2 Definitions

Section 17F.075.080 General

- A. Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

- B. Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms Defined in Other Codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *Uniform Plumbing Code*, *International Residential Code*, *International Pool and Spa Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- D. Terms Not Defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- E. Parts.** Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Article 3 General Requirements

Section 17F.075.090 General Requirements

- A. Scope.** The provisions of this chapter shall govern the minimum conditions and maintenance of structures, equipment and *exterior property*.
- B. Responsibility.** The responsibility for compliance with this code shall be pursuant to SMC Section 17F.070.380, Owners and 17F.070.390, Occupants. 55
- C. Vacant Structures and Land.** All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 17F.075.100 Exterior Property Areas

- A. Rodent Harborage.** All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

B. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

C. Accessory Structure. All accessory structure, including detached garage, fence and walls, shall be maintained structurally sound and in good repair.

Section 17F.075.110 Exterior Structure

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

B. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces protected. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

D. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

2. **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

E. Insect Screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

F. Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

G. Basement Hatchways.

Basement hatchways must prevent rain, water and rodents from entering the structure. When maintenance is ignored, wood members (including doors) decay, metal doors and latches rust and hinges break. Drainage must be provided to prevent water from accumulating around hatchways and leaking inside the structure.

I. Fences. All fences and fence assemblies directly adjacent to the public right of way shall be maintained in good structural condition.

Section 17F.075.120 Interior Structures

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

1. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
2. Structural members are incapable of supporting nominal loads and load effects;
3. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
4. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions: When substantiated otherwise by an *approved* method.

Section 17F.075.130 Handrails and Guardrails

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrail and guard heights shall be consistent with the IRC or IBC as applicable.

Section 17F.075.140 Pest Elimination

A. Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

B. Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure pursuant to SMC 17F.070.380.

- C. Occupant.** The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure pursuant to SMC 17F.070.390.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

Article 3 Light, Ventilation and Occupancy Limitations

Section 17F.075.150 General

- A. Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

Section 17F.075.160 Light

- A. Habitable Spaces.** Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space. The exterior glazing area shall be based on the total floor area being served.

Exception: In lieu of the means for natural light herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

- B. Other Spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

Section 17F.075.170 Ventilation

- A. Habitable Spaces.** Every *habitable space* shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 17F.075.160, item A. from above.

Exception: In lieu of the means for natural *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

- B. Bathrooms and toilet rooms.** Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section

17F.075.170, item A, above, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

C. Cooking Facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* and a cooking facility or appliance shall not be permitted to be present in the *rooming unit*.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

D. Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

Section 17F.075.180 Occupancy Limitations

A. Minimum Room Widths. A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

B. Minimum Ceiling Heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

C. Bedroom and Living Room Requirements. Every *bedroom* and living room shall comply with the requirements of Sections for Room Area and Access from Bedrooms herein.

1. Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain a minimum of 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m²) of floor area for each occupant thereof.

2. Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

D. Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

E. Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

F. Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Article 5 of this Chapter; the heating facilities and electrical receptacle requirements of Article 6 of this Chapter; and the smoke detector and emergency escape requirements of Article 7 of this Chapter.

Article 5 Plumbing Facilities and Fixture Requirements

Section 17F.075.190 General

A. Scope. The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Section 17F.075.200 Required facilities

A. Dwelling Units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. A kitchen sink shall not be used as a substitute for the required lavatory.

Section 17F.075.210 Toilet Rooms

- A. Privacy.** *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- B. Location.** *Toilet rooms* and *bathrooms* serving, rooming units or housekeeping units, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.
- C. Floor Surface.** In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Section 17F.075.220 Plumbing Systems and Fixtures

- A. General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Section 17F.075.230 Water Systems

- A. General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Uniform Plumbing Code*.
- B. Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- C. Water Heating Facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility. A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 17F.075.240 Sanitary Drainage System

- A. General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

Section 17F.075.250 Storm Drainage

- A. General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

Article 6 Mechanical and Electrical Requirements

Section 17F.075.260 General

- A. Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Section 17F.075.270 Heating Facilities

- A. Facilities Required.** Heating facilities shall be provided in structures as required by this section.
- B. Residential Occupancies.** Dwellings shall be provided with heating facilities in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Section 17F.075.280 Electrical Facilities

- A. Service.** *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.
- B. Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Article 7 Fire Safety Requirements

Section 17F.075.290 General

- A. Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Section 17F.075.300 Means of Egress

- A. Emergency Escape Openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Section 17F.075.310 Fire Protection Systems

- A. General.** All systems, devices and equipment to detect a fire, actuate an alarm, or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.
- B. Single and Multiple Station Smoke Alarms.** Single and multiple-station smoke alarms shall be installed in existing *Dwelling Units*. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
- 1. Where Required.** Single or multiple-station smoke alarms shall be installed and maintained in all of the following locations:
1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 2. In each room used for sleeping purposes.
 3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Article 8 Reference Standards

Section 17F.075.320 List of Standards

This section lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the

standard identification, the effective date and title and the section or sections of this document that reference the standard.

American Society of Mechanical Engineers (ASME) Three Park Avenue New York, NY 10016-5990		
Standard Reference Number:	Title:	Referenced in Code Section Number:
A17.1/CSA B44 – 2007	Safety Code for Elevators and Escalators	601.1

ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959		
Standard Reference Number:	Title:	Referenced in Code Section Number:
F 1346—91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.1

International Code Council 500 New Jersey Avenue, NW 6 TH Floor Washington, DC 20001		
Standard Reference Number:	Title:	Referenced in Code Section Number:
IBC—15	International Building Code	102.3, 201.3, 401.3, 702.3
IEBC—15	International Existing Building Code	305.1.1, 306.1.1
IFC—15	International Fire Code	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—15	International Fuel Gas Code	102.3
IMC—15	International Mechanical Code	102.3, 201.3
UPC—15	Uniform Plumbing Code	201.0 (IPC 201.3), 505.0 (IPC 505.1), 601.0 (IPC 602.2, 602.3)
IRC—15	International Residential Code	201.3
IZC—15	International Zoning Code	102.3, 201.3

National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269		
Standard Reference Number:	Title:	Referenced in Code Section Number:
NPFA 25-14	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
NPFA 70-14	National Electrical Code	102.4, 203.1, 604.2

SECTION 2. That SMC 17A.020 is amended to read as follows:

Section 3. That SMC Section 17A.020.010 is amended to read as follows: **(A)**

Section 17A.020.010 "A" Definitions

- A. Abandoned Sign Structure.
See SMC 17C.240.015.
- B. 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. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. Accepted.
A project for which the required plans have been found to be technically adequate.
- D. 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. ADUs are known variously as:
 - 1. "Mother-in-law apartments,"
 - 2. "Accessory apartments," or
 - 3. "Second units."
- E. 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. Flagpoles,
- f. Stairways,
- g. Heat pumps,
- h. Awnings, and
- i. Other structures.

3. See also [SMC 17A.020.160](#) ("Primary Structure").

F. 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.

G. Activity.

See Regulated Activity.

H. 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.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
- b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
- c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
- d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as

- cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests.
2. For purposes of this definition, the term "floor space" means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.
- J. Adult Business.
An "adult bookstore or adult video store," an "adult entertainment establishment," or a "sex paraphernalia store."
- K. 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.
- L. Adult Family Home.
A residential use as defined and licensed by the state of Washington in a dwelling unit.
- M. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.
- N. Agricultural Activities.
1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. 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;
- f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. 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 feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. 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.
- P. AKART.
An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.
- Q. 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.
- R. Alley.
See “Public Way” ([SMC 17A.020.160](#)).
- S. 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:
 - . Changes to the facade of a building.
 - a. Changes to the interior of a building.
 - b. Increases or decreases in floor area of a building; or

c. Changes to other structures on the site, or the development of new structures. (should be “a.”, “b.”, “c.” and “d.” current code is correct)

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

U. Alternative or Post-incarceration Facility.

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

V. [Deleted]

W. [Deleted]

X. [Deleted]

Y. [Deleted]

Z. Anchored.

Secured in a manner that provides positive connections.

AA. API 653.

The American Petroleum Institute’s standards for tank inspection, repair, alteration, and reconstruction.

~~((AA-))~~ AB. Appeal.

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

~~((AB-))~~ AC. 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).

~~((AG-))~~ AD. 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. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

~~((AD-))~~ AE. Application – Complete.

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

~~((AE-))~~ AF. Approved.
Acceptable to the code official.

~~((AE-))~~ AG. 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.

~~((AF-))~~ AH. Aquatic Life.

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

~~((AG-))~~ AI. 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.

~~((AH-))~~ AJ. Aquifer Sensitive Area (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](#).

~~((AI-))~~ AK. 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.

~~((AJ-))~~ AL. 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 provided a critical educational link with the past.

~~((AK-))~~ AM. Architectural feature.

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

~~((AL-))~~ AN. Architectural Roof Structure.

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
2. The base flood depths range from one to three feet.
3. A clearly defined channel does not exist.
4. The path of flooding is unpredictable and indeterminate.
5. Velocity flow may be evident.
6. AO is characterized as sheet flow and AH indicates ponding.

~~((AM-))~~ AO. 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.
5. AO is characterized as sheet flow and AH indicates ponding.

~~((AN-))~~ AP. 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. Designation on maps always includes the letters A or V.

~~((AO-))~~ AQ. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#),
3. "Collector Arterial" – [SMC 17A.020.030](#), or
4. "Parkway" – [SMC 17A.020.160](#).

~~((AP-))~~AR. Assisted Living Facility.

A multi-family 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.

~~((AQ-))~~AS. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AR-))~~AT. 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.

~~((AS-))~~AU. Available Capacity.

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

~~((AT-))~~AV. 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.

~~((AU-))~~AW. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 4. That SMC Section 17A.020.020 is amended to read as follows: **(B)**

Section 17A.020.020 “B” Definitions

A. Backed Sign.

See SMC 17C.240.015.

B. Balloon Sign.

See SMC 17C.240.015.

C. 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.

D. Bank Erosion.

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

E. 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.

F. Banner.

See SMC 17C.240.015.

G. Bas-relief

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. 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.

I. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

J. Bathroom.

A room containing plumbing fixtures including a bathtub or shower.

~~((J-))~~ K. 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.

L. Bedroom.

Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

~~((K-))~~ M. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

~~((M-))~~ N. 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.

~~((N-))~~ O. Best Management Practices.

The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

~~((O-))~~ P. 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.

~~((P-))~~ Q. Binding Site Plan – Final.

A drawing to a scale which:

6. 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](#);

7. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
8. contains provisions making any development be in conformity with the site plan.
9. A binding site plan can only be used on property zoned commercial or industrial.

~~((Q.))~~ R. 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.

~~((R.))~~ S. 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.

~~((S.))~~ U. 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.

~~((T.))~~ V. Board.

The board of county commissioners of Spokane County.

~~((U.))~~ W. 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 marks.

~~((V.))~~ X. 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.

~~((W.))~~ Y. 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.

~~((X.))~~ Z. Breezeway.

A breezeway is a roofed passageway joining two separate structures.

~~((Y.))~~ AA. Building.

10. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

11. The term includes “factory-built structure” and “mobile home.”

12. “Building” does not include a recreational vehicle.

13. “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.

~~((Z.))~~ AB. Building Base

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

~~((AA.))~~ AC. Building Coverage.

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

14. 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.

15. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.

16. 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.

~~((AB.))~~ AD. Building Envelope.

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

~~((AC.))~~ AE. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street

~~((AD.))~~ AF. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

~~((AE.))~~ AG. 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 8. That SMC Section 17A.020.030 is amended to read as follows: **(C)**

Section 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. **Central Business District.**
The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.
- E. **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.
- F. **Certificate of Capacity.**
A document issued by the planning services 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.
- G. **Certified Erosion and Sediment Control Lead (CESCL).**
An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:
1. site conditions and construction activities that could impact the quality of stormwater, and
 2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.
- H. **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).
- I. **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.
- J. **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.

K. City.

The City of Spokane, Washington.

L. Clear Street Width.

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

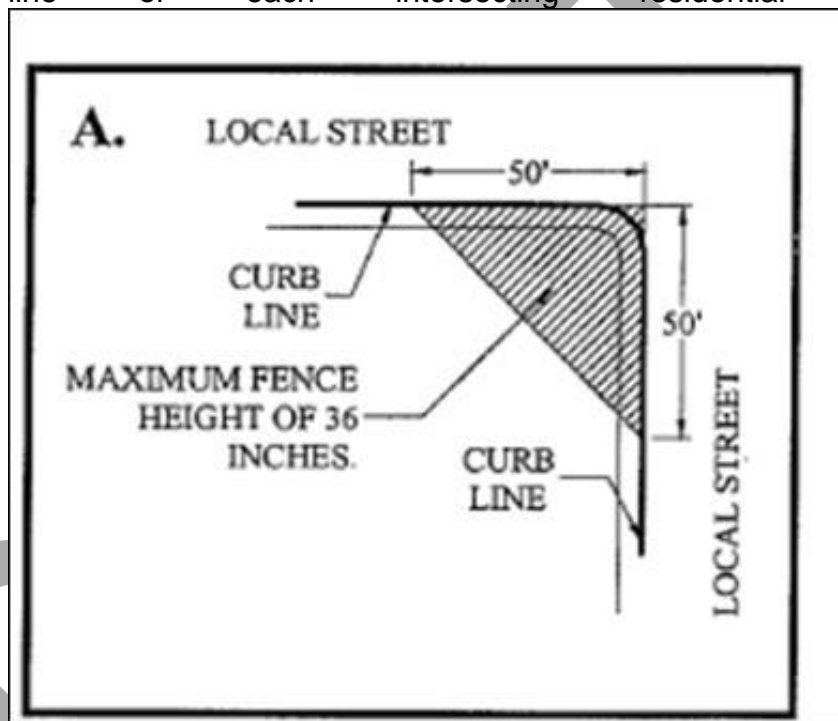
M. Clear Pedestrian Zone

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

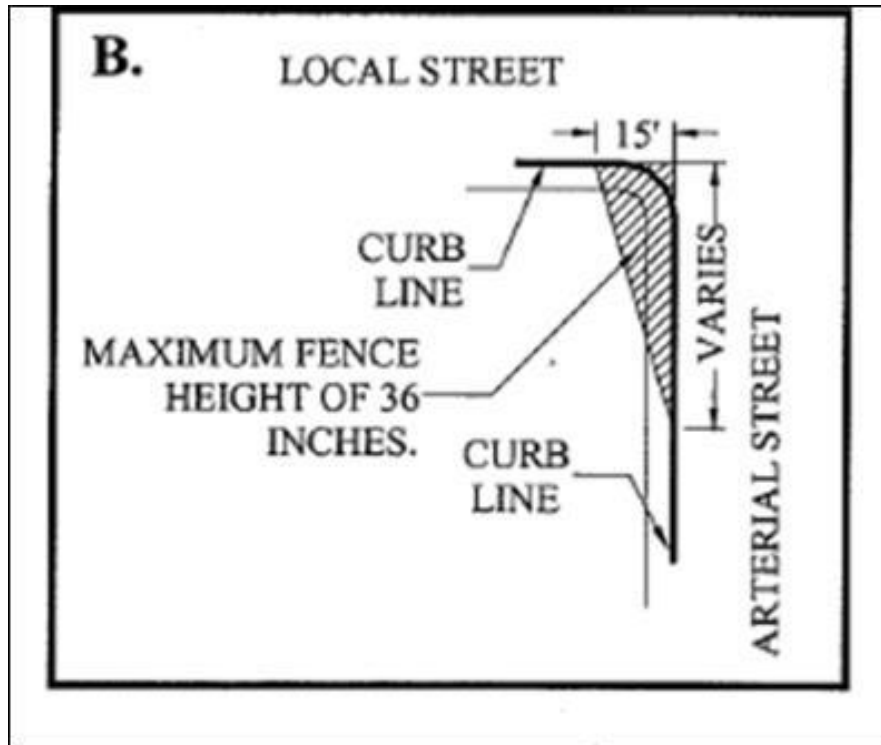
N. Clear View Triangle

A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

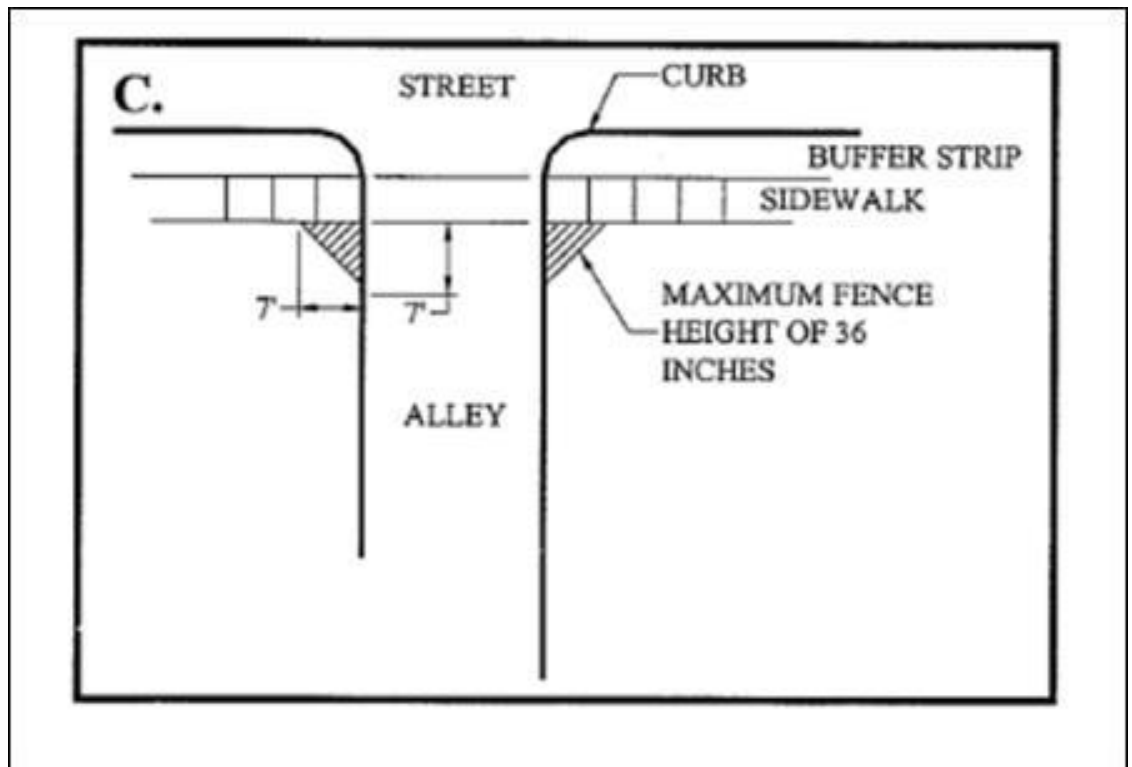


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- the inside line of the sidewalk; or
- if there is no sidewalk, a line seven feet inside the curb line.



- O. Clear Zone.
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- P. 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.
- Q. 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.
- R. 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. No new testimony or submission of new evidence and information is allowed.

S. Code Official.

The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

~~((S.))~~ T. 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.

~~((T.))~~ U. Co-location.

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

~~((U.))~~ V. Colony.

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

~~((V.))~~ W. Commercial Driveway.

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

~~((W.))~~ X. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

~~((X.))~~ Y. Commission – Historic Landmarks.

The City/County historic landmarks commission.

~~((Y.))~~ Z. Community Banner.

A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

~~((Z.))~~ AA. 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.

~~((AA.))~~ AB. 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.

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.

~~((AB-))~~AC. 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.

~~((AC-))~~AD. 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.

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.

~~((AD-))~~AE. 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.

~~((AE-))~~AF. 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).

~~((AF-))~~AG. 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.

~~((AG-))~~AH. 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.

~~((AH-))~~AI. 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. 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.

~~((AL-))~~AJ. 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.

~~((AJ-))~~AK. 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.

~~((AK-))~~AL. 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.

~~((AL-))~~AM. Container.
Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

~~((AM-))~~AN. Context Areas
Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

~~((AN-))~~AO. Contributing Resource

Contributing resource is any building, object, structure, or site which adds to the historical integrity, architectural quality, or historical significance of the local or federal historic district within which the contributing resource is located.

~~((AO-))~~AP. Conveyance.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

~~((AP-))~~AQ. Conveyance System.
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

~~((AQ-))~~AR.

Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises

~~((AR-))~~AS. 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. It may also include a community building, garden shed, or other facility for use of the residents.

~~((AS-))~~AT.

Council.

The city council of the City of Spokane.

~~((AT-))~~AU.

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.

~~((AU-))~~AV.

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.

~~((AV-))~~AW.

Creep.

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

~~((AW-))~~AX.

Critical

Amount.

The quantity component of the definition of critical material.

~~((AX-))~~AY.

Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

~~((AY-))~~AZ.

Critical

Areas.

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

~~((AZ-))~~BA. 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.

~~((BA-))~~BB. 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 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.

~~((BB-))~~BC. Critical Material Activity.
A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.
A list of critical materials activities is contained in the Critical Materials Handbook.

~~((BC-))~~BD. 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.
2. 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.

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

~~((BD-))~~BE.

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.

~~((BE-))~~BF. 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).
- 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.

~~((BF-))~~BG. Critical Review Applicant.
A person or entity seeking a critical review action.

~~((BG-))~~BH. 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

~~((BH-))~~BI. Critical Review Statement.
A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. 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.

~~((BI-))~~BJ. 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.

~~((BJ-))~~BK Curb Ramp.
A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

~~((BK-))~~BL.

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 6. That SMC Section 17A.020.040 is amended to read as follows: **(D)**

Section 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. “Decibel (dB)” means the measure of sound pressure or intensity.

E. 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 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 Spokane County auditor.

F. 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.

G. 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 17C.040 SMC](#).

H. Density.

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

I. Denuded.

Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.

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

K. 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.

L. 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.

M. Design Review Board.

The design review board is defined in [chapter 4.13 SMC](#). The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

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

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.

P. Detached.

When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

~~((P-))~~ Q. 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.

R. Deterioration.

To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

~~((Q-))~~ S. 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.

~~((R-))~~ T.

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.

~~((S-))~~ U. 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.

~~((T-))~~ V. Development Approval.

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

~~((U-))~~ W. 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.

~~((V-))~~ X. 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.

~~((W-))~~Y.

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.

~~((X-))~~Z. Direct Impact.

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

~~((Y-))~~AA.

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.

~~((Z-))~~AB. Directional Sign.

See SMC 17C.240.015.

~~((AA-))~~AC.

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 services, director of engineering services, and the director of planning services.

~~((AB-))~~AD. Discharge (n).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

~~((AC-))~~AE. Discharge (v).

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

~~((AD-))~~AF. Discharger.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

~~((AE-))~~AG. 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.

~~((AF-))~~AH. Disturbance Area.

In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

~~((AG-))~~AI. 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.

~~((AH-))~~AJ. 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.

~~((AI-))~~AK. Domestic Animal.

1. Large Domestic Animals.

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
- b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
- c. Bovines under ten months in age.
- d. Sheep, goats, and swine under three months in age are not included when counting large animals.

2. Small Domestic Animals.

- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
- b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
- c. Small livestock are defined as:
 1. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
 2. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
 3. all breeds of goats excluding mature large meat breeds such as Boers, and
 4. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
 5. No horned rams shall be permitted as a small livestock.
 6. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

~~((AJ.))~~ AL. 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. Ditches channels that support fish are considered to be streams.

~~((AK.))~~ AM. Dredge Spoil.

The material removed by dredging.

~~((AL.))~~ AN. 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.

~~((AM.))~~ AO. 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.

~~((AN.))~~ AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

~~((AO.))~~ AQ. Duplex.

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

~~((AP.))~~ AR. 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.

Section 7. That SMC Section 17A.020.050 is amended to read as follows: **(E)**

Section 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. Eave

The lower border of a roof that overhangs the wall, typically associated with exposed sloped roof elements.

E. 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.

F. Economic Hardship.

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

G. 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.

H. Electric Sign.

See SMC 17C.240.015.

I. 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.

J. 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.

K. Enclosed Roof Structure

Conditioned, occupiable structure extending beyond the roof line of a building; commonly termed a penthouse. For purposes of the HFBC, Enclosed Roof Structures must be set back from the parapet of a building to qualify for height limit exceptions.

L. 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.

M. Enhancement.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

N. Equipment Support.

Those structural members or assemblies.

~~((N-))~~ M.

Erosion.

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

~~((O-))~~ N. Essential Habitat.

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

~~((P-))~~ O. 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.

~~((Q-))~~ P. 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.

~~((R-))~~ Q.

Exotic.

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

~~((S-))~~R. 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.

S. Exterior Property.
The open space on the premises and on adjoining property under the control of owners or operators of such premises.

T. Extirpation.
The local destruction of or extermination of a species.

U. 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 15. That SMC Section 17A.020.070 is amended to read as follows: **(G)**

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.
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, or
d. mobile homes.
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.

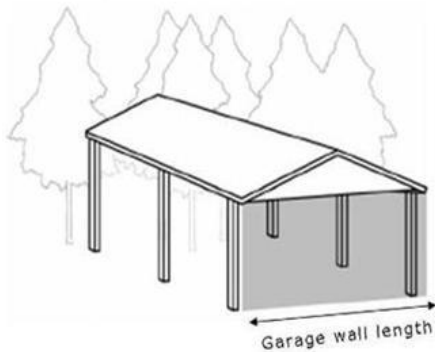
C. Garage Wall Length.
The garage wall length is determined by measuring the length of the specific side of a structure that is backed by garage space. The garage wall length is not limited to the length of the garage door; it includes all the length on the specified side of a structure between the walls of the garage (see Figure17A.020.070.A).

For carports, the garage wall length is determined by measuring the length extending from the outer edges of the roof. (See Figure 17A.020.070.B)

Figure 17A.020.070.A



Figure 17A.020.070.B



D. Garbage.

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

((D-))E. General Site Plan.

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

((E-))F. 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.

((F-))G. 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.

~~((G.))~~ H. Geotechnical Report.

3. 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.

~~((H.))~~ I. Glazing

Glass as used in building façades, including windows, transoms and glass portions of storefronts.

~~((I.))~~ J.

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.

~~((J.))~~ K.

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.

~~((K.))~~ L.

Ground Disturbing Activity.

Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Ground disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling, logging, and excavation.

~~((L.))~~M. Ground Water.
Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

~~((M.))~~N. 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.

O. Guard.
A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Section 1. That SMC Section 17A.020.080 is amended to read as follows: **(H)**

Section 17A.020.080 "H" Definitions

A. Habitable Space.
Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

~~((B.))~~C. 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.))~~D. Habitat Conservation.
Protection or preservation of habitat by various means, such as regulation or acquisition.

~~((D.))~~E. 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.))~~F. 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.))~~ G. 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.))~~ H. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

~~((H.))~~ I. 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.

~~((I.))~~ J. 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.

~~((J.))~~ K. High Quality Vegetative Buffer.

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

L. Historic Building.

Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the Spokane Historic Preservation Officer in the Spokane Register of Historic Places.
2. Certified as a contributing resource within the National Register or state or locally designated historic district.

~~((K.))~~ M. 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.

~~((L.))~~ N. Historic Preservation Officer (HPO).

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

3. 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

4. serves as the primary staff person for the City/County landmarks commission.

~~((M.))~~ Q. 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.

~~((N.))~~ P. 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.

~~((O.))~~ Q. House.

A detached dwelling unit located on its own lot.

~~((P.))~~ R. Household.

A housekeeping unit consisting of:

5. an individual;
6. two or more related persons as defined in SMC 17A.020.180(M);
7. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;
8. adult family homes as defined under Washington State law; or
9. 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
10. up to six residents not related by blood or marriage who live together in a single-family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.
11. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.
12. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.

~~((Q.))~~ S. Household Pet.

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 four months are not included when counting household pets.

~~((R-))~~T. 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.

~~((S-))~~U. 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.

~~((T-))~~V. 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. That SMC Section 17A.020.090 is amended to read as follows: **(I)**

Section 17A.020.090 “I” Definitions

A. Illegal Discharge.

Any direct or indirect non-storm water discharge to MS4.

B. Illicit Connection(s).

Any man-made conveyance that is connected to the MS4 in violation of [chapter 17D.060](#) [SMC](#).

C. Illicit Discharge.

This term is covered in [SMC 17D.060.190](#).

D. Illuminated Wall Highlights.

Lighted areas that highlight a building’s architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.

E. Imminent Danger.

A condition which could cause serious or life-threatening injury or death at any time.

~~((E-))~~F. Impact Fee.

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

~~((F-))~~G. Impermeable Sediment.

Sediment restricting the flow of water.

~~((G-))~~H. Impervious Surface

Ground surfaces and coverings composed of water-impenetrable materials such as asphalt, concrete, brick, stone and rooftops.

~~((H-))~~I.

Improvements.

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

~~((I-))~~J.

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.

K. Infestation.

The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

~~((J-))~~L. In-ground Storage Tank (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).

~~((K-))~~M. In-kind Compensation.

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

~~((L-))~~N. 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).

~~((M-))~~O. 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.

~~((N.))~~P. Infiltration.
The downward entry of water into the immediate surface of soil.

~~((Q.))~~Q. Integral Curb and Gutter.
Concrete curb and gutter which is formed and placed as one unit.

~~((P.))~~R. "Interior Noise Level" means the average level of sound expressed in decibels (dB) measured in any habitable room with exterior windows and doors closed.

~~((Q.))~~S. Interpretive Signs.
See SMC 17C.240.015

~~((R.))~~T. 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:

1. detection of pressure changes within the space;
2. detection of vapors from the contained material within the space; or
3. physical detection of contained material, or water from outside the container, within the space.

~~((S.))~~U. 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.

~~((T.))~~V. Invasive Species.
A species that is:

4. non-native (or alien) to city of Spokane; and
5. 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.

~~((U.))~~W. Isolated Wetlands.
Those wetlands which:

6. are outside of and not contiguous to any hundred-year floodplain of a lake, river, or stream; and

7. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 3. That SMC Section 17A.020.120 is amended to read as follows: **(L)**

17A.020.120 “L” Definitions

A. Labeled.

Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

~~((A-))~~ B. Land Surveyor.

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

~~((B-))~~ C. Land Use Codes.

Those provisions of this code that relate to:

1. zoning,
2. subdivision,
3. shorelines management,
4. stormwater control,
5. flood zones,
6. critical areas,
7. signs,
8. skywalks, and

include chapter 17D.020 SMC, chapter 17D.050A 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-))~~ D. 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-))E. Landslide.
Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

((E-))F. 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-))G. Launch Ramp.
An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

((G-))H. "Ldn" means a day-night average sound level and serves as a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a twenty-four hour time period, with a ten decibel penalty applied to nighttime (ten p.m. to seven a.m.) sound levels.

((H-))I. 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.

J. Let for occupancy or Let.
To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

((I.)) K. 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.

((J.)) L. 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.

((K.)) M. Lighting Methods.

1. Direct.
Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.
2. Indirect.
The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
3. Internal.
The light source is concealed within the sign.

((L.)) N. 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;
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.

((M.)) O. 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.

~~((N.))~~P. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

~~((Q.))~~Q. 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.

~~((P.))~~R. Local Access Street.

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

~~((Q.))~~S. 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.

~~((R.))~~I. 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.

~~((S.))~~U. 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.
 - 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.
 - a. “Street lot line” does not include lot lines that abut an alley.
 - b. On a corner lot, there are two (or more) street lot lines.
 - c. Street lot lines can include front lot lines and side lot lines.

~~((T.))~~V. 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.

~~((U.))~~W. Low Impact Development (LID).

1. LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

~~((V.))~~X. 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 SMC 17A.020.010, Alternative Tower Structure.)

~~((W.))~~Y. 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 11. That SMC Section 17A.020.140 is amended to read as follows: **(N)**

Section 17A.020.140 "N" Definitions

- A. National Pollutant Discharge Elimination System (NPDES).
The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State department of ecology.
- B. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.
- C. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.
- D. Native Vegetation.
Plant species, which are indigenous to the planning area.

E. Neglect.
The lack of proper maintenance for a building or structure.

~~((E.))~~ F. 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.

~~((F.))~~ G. New Construction – Floodplain.

Structures for which the date of complete application for permit commenced on or after July 1, 2004.

~~((G.))~~ H. 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.

~~((H.))~~ I. NFPA 30.

The National Fire Prevention Association's flammable and combustible liquids code.

~~((I.))~~ J. "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound reduction materials and design to reduce interior noise levels.

~~((J.))~~ K. "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

~~((K.))~~ L. 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.

~~((L.))~~ M. Nominal Driveway Width.

The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

~~((M-))~~N. Nomination.
The process by which a building, district, object, site, or structure is recommended for placement on a register.

~~((N-))~~O. 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.

~~((O-))~~P. 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.

~~((P-))~~Q. Nonconforming Sign.
See SMC 17C.240.015.

~~((Q-))~~R. 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.

~~((R-))~~S. 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.

~~((S-))~~T. 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.

~~((T-))~~U. Noxious Weeds.
Those plants which are non-native, highly destructive, and competitive as defined by chapter 17.10 RCW, or as amended.

~~((U-))~~V. 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.

7. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.
8. This definition excludes hospitals or sanitariums.

Section 17. That SMC Section 17A.020.150 is amended to read as follows: **(O)**

Section 17: that SMC section 17A.020.150 is amended to read as follows:

17A.020.150 “O” Definitions

A. Object.

A thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

B. Occupancy.

The purpose for which a building or portion thereof is utilized or occupied.

C. Occupant.

Any individual living or sleeping in a building, or having possession of a space within a building.

~~((B-))~~D. Off-site Compensation.

Restoration or replacement of a wetland within its primary drainage basin, but not adjacent to the site on which a wetland has been or will be degraded. Locations within the City and in the same drainage are preferred and required when feasible. Spokane County locations in reasonable proximity and preferably in the same drainage will be considered when no practicable City location exists.

~~((G-))~~D. On-site Compensation.

Restoration or replacement of wetland at or very near the site where a wetland has been or will be degraded by a regulated activity.

~~((D-))~~E. On-site Stormwater Facilities.

1. Physical improvements or design characteristics on a premises with a function to control, prevent, diminish, dissipate, treat, deflect or slow down the rate and/or volume of stormwater runoff or flows entering the public right-of-way, the public sanitary or storm sewer system, or to reduce flooding and erosion on public or private property.
2. Examples include, but are not limited to, catch basins, pipes, ponds, impoundments, inlets and drains, as well as biotic or landscaping components such as grassy swales, drainage areas, easements, or other kinds of onsite drainage systems.

~~((E.))~~ F. Open Record Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that creates a record through testimony and submission of evidence and information (RCW 36.70B.050(2)).

~~((F.))~~ G. Open Roof Structure

A non-conditioned, open structure typically providing shade and casual gathering space and incorporating a pergola, arbor or trellis. For purposes of the HFBC, Open Roof Structures may include partial-height screen walls on no more than one side.

~~((G.))~~ H. Open Water Component.

Wetlands having any areas of standing water present for more than one month at any time of the year without emergent, scrub-shrub or forested vegetation. Open water includes any aquatic beds.

I. Openable Area.

That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

J. Operator.

Any person who has charge, care or control of a structure of premises which is let or offered for occupancy.

K. Owner.

Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person if ordered to take possession of real property by a court.

~~((H.))~~ M. Ordinance.

The ordinance, resolution, rules or other procedure used by the City of Spokane, Spokane County, Spokane regional health district, and Spokane County air pollution control authority to adopt regulatory requirements.

~~((I.))~~ N. Ordinary High Water Mark.

The mark that is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil and vegetation a character distinct from that of the abutting upland.

~~((J.))~~ O. Ordinary Repair and Maintenance.

Work the purpose and effect of which is to correct any deterioration or decay of, or damage to, the real property or structural appurtenance

thereon and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

~~((K-))~~P.

Outdoor Display.

1. The outdoor display of products, vehicles, equipment and machinery for sale or lease.
2. Outdoor display is an outdoor showroom for customers to examine and compare products.
3. There is variety or a distinction among the goods on display, through different products, brands or models.
4. The display area does not have to be visible to the street.
5. Exterior display does not include goods that are being stored or parked outside. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Outdoor display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered outdoor storage.
6. Examples of uses that often have outdoor display are car and boat sales and leasing, and plant nurseries.
7. See also, "Outdoor Work Activities and Outdoor Storage."

~~((L-))~~Q.

Outdoor Storage.

1. The outdoor storage of goods that generally have little or no differentiation by type or model.
2. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare.
3. Outdoor storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare.
4. Outdoor storage includes the storage of raw or finished goods (packaged or bulk), including:
 - a. gases, oil, chemicals, gravel, building materials, packing materials, salvage goods, machinery, tools and equipment;
 - b. vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare;
 - c. vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; and
 - d. other similar items.
5. The storage of recreational vehicles outdoors is also considered outdoor storage.

6. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as outdoor storage.
7. Examples of uses that often have outdoor storage are lumberyards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments and port facilities.
8. See also "Outdoor Display" and "Outdoor Work Activities."

~~((M.))~~R.

Outdoor Work Activities.

1. Include the outdoor processing, assembly or fabrication of goods; the maintenance, repair and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation.
2. Outdoor work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, outdoor eating areas, outdoor recreation or outdoor markets.
3. See "Outdoor Display" and "Outdoor Storage."

~~((N.))~~S.

Out-of-kind Compensation.

The restoration or creation of a wetland with vegetation and other characteristics not resembling those of a specified wetland.

~~((O.))~~T.

Owner/Ownership Interest.

Owners are all persons having a real property interest. Owners include with respect to real property:

1. holder of fee title or a life estate;
2. holder of purchaser's interest in a sale contract in good standing;
3. holder of seller's interest in a sale contract in breach or in default;
4. grantor of deed of trust;
5. presumptively, a legal owner and a taxpayer of record;
6. fiduciary representative of an owner;
7. person having a right of possession or control; or
8. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

Section 12. That SMC Section 17A.020.160 is amended to read as follows: **(P)**

Section 17A.020.160 "P" Definitions

A. Painted Wall Highlights.

See SMC 17C.240.015.

B. Painted Wall Sign.

See SMC 17C.240.015.

C. Parcel.

See “Lot” ([SMC 17A.020.120](#)).

D. 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.

E. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

F. 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.

G. 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.

H. Pedestrian Path

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in Section 17C.123.040 of the FBC.

I. Pedestrian-Scaled Fixtures (lighting)

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

J. Pedestrian-Scaled Signs

See SMC 17C.240.015.

K. 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.

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.

L. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

M. 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.

N. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

O. Permanent Sign.

See SMC 17C.240.015.

P. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

Q. Permeable Sediment.

Sediment permitting the flow of water.

R. Person.

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

S. Pest Elimination.

The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as a their food or water; by other approved pest elimination methods.

~~((S-))~~ T.

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 station.

~~((T-))~~ U. 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).

~~((U.))~~ V. 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)).

~~((V.))~~ W. 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.

~~((W.))~~ X. Plans.

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

~~((X.))~~ Y. Planting Zone

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

~~((Y.))~~ Z. 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.

~~((Z.))~~ AA. 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.

~~((AA-))~~ AB. 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.

~~((AB-))~~ AC. Plinth

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

~~((AC-))~~ AD. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

~~((AD-))~~ AE. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or 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.

~~((AE-))~~ AF. 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.

~~((AF-))~~ AG. 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.

~~((AG.))~~AH. 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.

AI. Premises.

A lot, plot or parcel of land, easement or public way, including any structures thereon.

~~((AH.))~~AI. Principal Buildings

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

~~((AI.))~~AJ. Primary Building Entry

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

~~((AJ.))~~AK. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

~~((AK.))~~AL. Primary Container.

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

~~((AL.))~~AM 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.

~~((AM.))~~AN. 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.

~~((AN-))~~AO. 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.

~~((AQ-))~~AP. 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.

~~((AP-))~~AQ. 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.

~~((AQ-))~~AR. 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.

~~((AR-))~~AS. Private Street.

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

~~((AS-))~~AT. 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 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.

~~((AT-))~~AU. Projecting Sign.

See SMC 17C.240.015.

~~((AU-))~~AV. 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.

~~((AV-))~~AW. Proximity.

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

~~((AW-))~~AX. 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.

~~((AX-))~~AY. 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.

~~((AY-))~~AZ. 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.

~~((AZ-))~~BB. 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,
 - d. 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 13. That SMC Section 17A.020.180 is amended to read as follows: **(R)**

Section 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.
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. Regional Shopping Mall – Enclosed.

A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

I. 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 bylaws and has elected officers; and
3. Has registered as such with the City and is on the current list of registered neighborhood organizations.

J. Regularly.

Occurring consistently and repeatedly on an ongoing basis.

K. Regulated Substance.

A critical material as referred to in 42 U.S.C. 6991(2).

L. 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 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.

M. 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.

N. Reservoir.

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

O. Residential Zone.

Those zones from RA through RHD.

P. Responsible Party.

A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or
2. Any person causing or contributing to a violation of this chapter.

Q. Restoration.

See "Compensatory Mitigation" ([SMC 17A.020.030](#)).

R. 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.

S. Right-of-way.

A public or private area that allows for the passage of people or goods.

1. Right-of-way includes passageways such as:
 - a. freeways,
 - b. streets,
 - c. bike paths,
 - d. alleys, and
 - e. walkways.
2. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

T. 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.

U. 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.

V. 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.

W. Riprap.

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

X. 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.

Y. Riverine.

Situated alongside or associated with a river.

Z. 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.050A SMC](#).

AA. Roadway Name.

Roadway names consist of three parts:

1. Direction.
2. Root name; and
3. Suffix.

AB. Rock Shore.

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

AC. Rockfall.

The falling of rocks from near vertical cliffs.

AD. Roof Line.

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

AE. Rooming House.

A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

AF. Rooming Unit.

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

~~((AE-))~~ AG. Root Name.

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

~~((AF-))~~ AH. Runoff.

Water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. It includes stormwater and water from other sources that travels across the land surface.

~~((AG-))~~ AI. Runoff and Infiltration Controls.

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

Section 14. That SMC Section 17A.020.190 is amended to read as follows: **(S)**

Section 17A.020.190 "S" Definitions

A. Salmonid.

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

B. Sandwich Board Sign.

See SMC 17C.240.015.

C. 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.

D. Secondary Building Walls.

Exterior building walls that are not classified as primary building walls.

E. 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.

F. Sediment.

Mineral or organic matter deposited as a result of erosion.

G. Sedimentation.

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

H. SEPA Rules.

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

I. Service Area.

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

J. Serviceable.

Means presently useable.

K. 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.

L. Sex Paraphernalia Store.

A commercial establishment that regularly features sexual devices and regularly advertises or holds itself out, in any medium, as an establishment that caters to adult sexual interests. This definition shall not be construed to include:

1. Any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services; or
2. Any establishment located within an enclosed regional shopping mall.

M. Sexual Device.

Any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

N. 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.”

O. 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.

P. 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.

Q. Shoreline and Ecosystems Enhancement Plan and Program.

See SMC 17E.020.090, Habitat Management Plans.

R. Shoreline Buffer.

1. 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.
2. The buffer will consist primarily of natural vegetation or planted vegetation which maintains or enhances the ecological functions of the shoreline area.
3. The term “buffer area” has the same meaning as “buffer.”

S. 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.

T. 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).

U. Shoreline Habitat and Natural Systems Enhancement Projects.

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for propriety species in shorelines.
2. Provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline, projects may include shoreline modification actions such as:
3. Modification of vegetation,
4. Removal of nonnative or invasive plants,
5. Shoreline stabilization, dredging, and filling.

V. Shoreline Jurisdiction.

See "Shorelands."

W. 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.

X. Shoreline Master Program.

1. 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 policies enunciated in RCW 90.58.020.
2. For the City of Spokane, the shoreline master program includes the:
 - a. Shoreline Goals and Policies (Comprehensive Plan Chapter 14),
 - b. Shoreline Regulations (chapter 17E.060 SMC),
 - c. City of Spokane Shoreline Restoration Plan (stand-alone document), and
 - d. Shoreline Inventory and Analysis (Comprehensive Plan Volume III).

Y. Shoreline Mixed Use.

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

Z. 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.

AA. Shoreline Protection.

1. 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.
2. The terms "Shoreline protection measure" and this term have the same meaning.
3. Substantial enlargement of an existing shoreline protection improvement is regarded as new shoreline protection measure.

AB. 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.

AC. Shoreline Restoration.

1. 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.
2. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

AD. 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.

AE. Shoreline Structure.

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

AF. Shorelines Hearings Board (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.

AG. 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.

AH. 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.

AI. 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. (RCW 58.17.020(6)).

AJ. Sign.

1. See SMC 17C.240.015.

AK. Sign – Animated Sign.

See SMC 17C.240.015.

AL. Sign – Electronic Message Center Sign.

See SMC 17C.240.015.

AM. Sign Face.

See SMC 17C.240.015.

AN. Sign – Flashing Sign.

See SMC 17C.240.015.

AO. Sign Maintenance.
See SMC 17C.240.015.

AP. Sign – Off-premises.
See SMC 17C.240.015.

AQ. Sign Repair.
See SMC 17C.240.015.

AR. Sign Structure.
See SMC 17C.240.015.

AS. 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.

1. The removal of invasive or noxious weeds does not constitute significant vegetation removal.
2. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

AT. Single-family Residential Building.
A dwelling containing only one dwelling unit.

AU. 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.

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

AW. Site – Archaeological.

1. A place where a significant event or pattern of events occurred. It may be the:
 - a. Location of prehistoric or historic occupation or activities that may be marked by physical remains; or
 - b. Symbolic focus of a significant event or pattern of events that may not have been actively occupied.
2. 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.

AX. Sleeping Unit.

A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

~~((AX-))~~AZ. Slump.

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

~~((AY-))~~BA. SMC.

The Spokane Municipal Code, as amended.

~~((AZ-))~~BB. Soil.

The naturally occurring layers of mineral and organic matter deposits overlaying bedrock. It is the outer most layer of the Earth.

~~((BA-))~~BC. Sound Contours.

A geographic interpolation of aviation noise contours as established by the 2010 Fairchild AFB Joint Land Use Study and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

~~((BB-))~~BD. Sound Transmission Class (STC).

A single-number rating for describing sound transmission loss of a wall, partition, window or door.

~~((BC-))~~BE. 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.

~~((BD-))~~BF. Special Event Sign.

See SMC 17C.240.015.

~~((BE-))~~BG. 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.

~~((BF-))~~BH. 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.

~~((BG.))~~ BI. 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.

~~((BH.))~~ BJ. Spokane Regional Stormwater Manual (SRSM).

A technical document establishing standards for stormwater design and management to protect water quality, natural drainage systems, and down-gradient properties as urban development occurs.

~~((BL.))~~ BK. Spokane Register of Historic Places.

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

~~((BJ.))~~ BL. Sports Field.

An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

~~((BK.))~~ BM. Stabilization.

The process of establishing an enduring soil cover of vegetation or mulch or other ground cover and may be in combination with installation of temporary or permanent structures.

~~((BL.))~~ BN. Standard Plans.

Refers to the City of Spokane's standard plans.

~~((BM.))~~ BO. Standard References

Standard engineering and design references identified in SMC 17D.060.030.

~~((BN.))~~ BP. State Candidate Species.

Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened, or sensitive.

~~((BO.))~~ BQ. 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.

~~((BP.))~~ BR. State Register.

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

~~((BQ.))~~ BS. 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.

~~((BR-))~~BT. 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.

~~((BS-))~~BU. 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.

~~((BT-))~~BV. Stewardship.

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

~~((BU-))~~BW. 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.

~~((BV-))~~BX. Stormwater Management Program (SWMP).

A set of actions and activities designed to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the Eastern Washington Phase II Municipal Permit (WAR04-6505) and any additional actions necessary to meet the requirements of applicable TMDLs.

~~((BW-))~~BY. 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 more than:
 - a. Six feet above grade for more than half of the total perimeter, or
 - b. Twelve feet above grade at any point.

~~((BX-))~~ BZ. 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 with a channel (WAC 173-22-030(8)).

~~((BY-))~~ CA. Street.

See "Public Way" (SMC 17A.020.160).

~~((BZ-))~~ CB. Street Classifications.

1. Arterial and local access streets are classified in section 4.5 of the comprehensive plan as follows:
 - a. Principal arterial.
 - b. Minor arterial.
 - c. Collector arterial.
 - d. Local access street.
 - e. Parkway.
2. 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.

~~((CA-))~~ CD. Street Frontage.

The lot line abutting a street.

CE. Strict Liability Offense.

An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

~~((CB-))~~ CF. Strobe Light.

A lamp capable of producing an extremely short, brilliant burst of light.

~~((CG-))~~ CG. Structural Alteration.

See SMC 17C.240.015.

~~((CD-))~~ CH. 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.

~~((CE-))~~ CI. 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.

~~((CF-))~~ CJ. Subdivision.

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

~~((CG-))~~ CK. Subject Property.

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

~~((CH-))~~ CL. Sublevel Construction Controls.

Design and construction requirements provided in SMC 17F.100.090.

~~((CI-))~~ CM. 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.

~~((CJ-))~~ CN. 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.

~~((CK-))~~ CO. 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.

~~((CL-))~~ CP. 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.
- 2. 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.
- 3. The term does not, however, include either any:
 - a. 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. Alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

~~((CM-))~~ CQ. 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.050A.040(U).

Section 11. That SMC Section 17A.020.200 is amended to read as follows: **(T)**

Section 17A.020.200 "T" Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. 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.

D. Tenant.

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

~~((D-))~~ **E. Tenant Space.**

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

~~((E.))~~ F. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

~~((F.))~~ G. Tideland.

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

H. Toilet Room.

A room containing a water closet or urinal but not a bathtub or shower.

~~((G.))~~ I. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

~~((H.))~~ J. [Deleted].

~~((I.))~~ K. [Deleted].

~~((J.))~~ L. [Deleted].

~~((K.))~~ M. Tracking.

The deposition of sediment onto paved surfaces from the wheels of vehicles.

~~((L.))~~ N. 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).

~~((M.))~~ O. Traveled Way.

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

~~((N-))~~P. 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.

~~((Q-))~~R. Type II Application.

An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and 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, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.

~~((R-))~~S. 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 Section 17A.020.210 is amended to read as follows: **(U)**

17A. 020.210 “U” Definitions

A. Ultimate Deformation.

The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

~~((A-))~~B. 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-))~~C. 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.

~~((G.))~~ D. Upland.

For the Shoreline Master Program, generally described as the area above and landward of the ordinary high water mark.

~~((D.))~~ E. Urban Forestry Management.

Management of the trees within urban areas, including trees lining city streets and those found in parks and open spaces.

~~((E.))~~ 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:

Section 19. That SMC Section 17A.020.220 is amended to read as follows: **(V)**

17A.020.220 “V” Definitions

A. Variance.

A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC.

- B. Vegetative Classes.
Certain types of wetlands as defined by the U.S. fish and wildlife service's classification of wetlands and deepwater habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979) and which are at least one-half acre in size or comprise at least ten percent of the entire wetland.
- C. Vehicle-Scaled Fixtures (lighting)
Pole-mounted light fixtures placed and designed to illuminate vehicular-traffic areas including exterior lots, driveways and roadways. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb
- D. Vehicle Types.
1. Commercial Vehicle.
See "Commercial Vehicle" (SMC 17A.020.030).
 2. Motor Vehicle.
Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes:
 - a. motorcycles,
 - b. passenger vehicles,
 - c. trucks, and
 - d. recreational vehicleswith motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.
 3. Passenger Vehicle.
 - a. A motor vehicle designed to carry ten persons or less including the driver.
 - b. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use.
 - c. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps.
 - d. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
 4. Recreational Vehicle.
See "Recreational Vehicle" (SMC 17A.020.180).
 5. Truck.

- a. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons.
- b. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes, and other similar vehicles.
- c. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
- d. Trucks are divided into three categories by size as stated below.
 - i. Light Truck.
Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
 - ii. Medium Truck.
Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "Heavy Truck" category.
 - iii. Heavy Truck.
Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
 - iv. Utility Trailer.
A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet in length are considered industrial vehicles and are regulated as heavy trucks.
- e. See also Passenger Vehicle, and Recreational Vehicle.

- E. Vernal Wetland System.
Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.
- F. Vested.
The right to development or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.
- G. Video Display Method.
A video display method is a method of display characterized by real-time, full-motion imagery.
- H. Ventilation.
The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- ((H.))I. Vulnerable Species.
Those species susceptible to significant population declines because they are uncommon either within a specific area or statewide, have a very limited distribution, or have special space or habitat requirements.

ADOPTED BY THE CITY COUNCIL ON _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date