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## **Appendix A**

### **TO CHS. 10.02 THROUGH 10.48**

#### **Purpose.**

This appendix provides definitions for terms, phrases, words and their derivatives used in this title. Where any of these definitions conflict with definitions used in other titles of the Municipal Code the definitions in this appendix shall prevail for the purpose of this title. Where terms are not defined they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two or more definitions the more specific shall apply. Webster's Third New International, 1993 (unabridged), shall be the source for ordinary accepted meaning and for the definition of words not defined in this title. Specific examples are included as illustrations but are not intended to restrict a more general definition. (Ord. 1634, § 191, 2004.)

#### **Definitions**

##### **A.**

"Abut" means to physically touch or border upon or to share a common property line.

"Access" means a legally available and physically practical area for the perpetual use of motor vehicle ingress and egress to a lot. In determining practicality, the topography, drainage, potential for erosion, underlying ownership and other factors may be considered.

"Access driveway" means an entrance roadway from an access easement, alley, dedicated right-of-way, or street to a lot or to a parking facility.

"Access easement" means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of the land over which it crosses.

"Accessory apartment" means a second dwelling unit not to exceed eight hundred square feet, created within an owner-occupied, site-built single-family dwelling or its accessory garage, for use as

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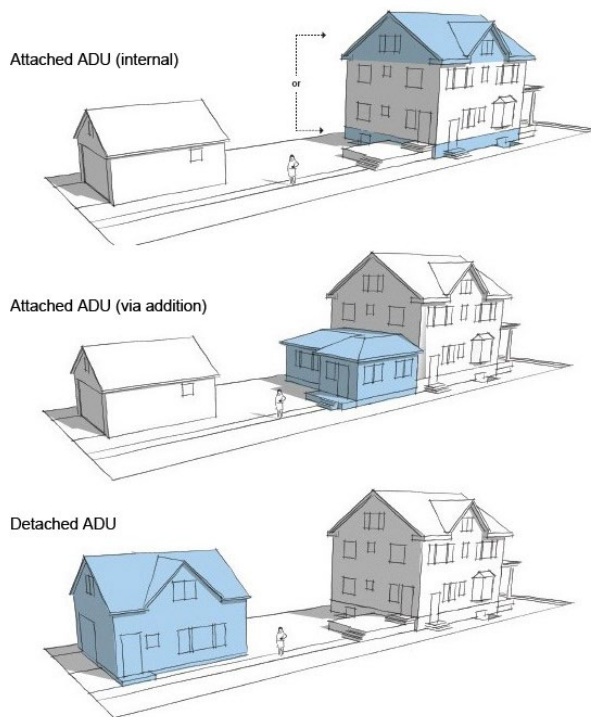
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an independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping.

"Accessory dwelling unit (ADU)" means a small, self-contained residential unit located on the same lot as an existing single-family home. An ADU may be created as a separate unit within an existing home (such as in an attic or basement), an addition to the home (such as a separate apartment unit with separate entrance), or in a separate structure on the lot (such as a converted garage). An ADU has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. As the term "accessory" implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot.

#### Examples of Accessory Dwelling Units (ADUs)

*ADUs in blue; main residence in white*



*Image credit: City of Saint Paul, MN*

"Accessory structure, use or building" means a building, part of a building or structure, or a use which is ancillary to the operation or enjoyment of a lawful use, and the use of which is incidental to that of the primary building, structure or use on the same lot.

"Adequate capital facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

"Administrative adjustment" means a change, either an increase or decrease or modification of one or more standards established in this title by the administrative official.

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

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"Administrative office building" means a building housing one or more tenants and is the location where affairs of a business, commercial or industrial organization, professional person or firm are conducted. The building may be limited to one tenant, either the owner or lessee, or contain a mixture of tenants including professional services, insurance companies, investment brokers, and company headquarters. Services such as a bank or savings and loan, a restaurant or cafeteria, miscellaneous retail facilities, and fitness facilities for building tenants may also be included.

"Administrative official" means the duly elected mayor of the city of Selah or the mayor's designee. Synonymous with "administrator."

"Adult business" means any of the following:

- (1) "Adult cabaret" means an establishment as defined in and regulated under Chapter [6.64](#).
  - (2) "Adult services establishment" means and shall include the following:
    - (A) "Adult bathhouse" means any commercial bathhouse that excludes any person on the basis of age from all or any portion of the premises;
    - (B) "Adult massage parlor" means any commercial establishment in which massage or other touching of the human body is provided and where any person on the basis of age is excluded from all or any portion of the premises; and
    - (C) "Adult sauna parlor" means any commercial sauna that excludes any person on the basis of age from all or any portion of the premises.
  - (3) "Adult theater establishment" means and shall include the following:
    - (A) "Adult motion picture theater" means a building, enclosure, or portion thereof (no matter how small) used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection (5) of this definition, for observation by members of the public therein;
    - (B) "Adult panoram" means any commercial establishment as defined in and regulated under Chapter [6.66](#).
  - (4) "Adult retail establishment" means and shall include the following:
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(A) "Adult retail store" means any commercial or retail establishment in which a substantial portion of its "stock in trade," as defined in subsection (6) of this definition, consists of merchandise distinguished or characterized by an emphasis on or simulation of "specified sexual activities" or "specified anatomical areas," as defined in subsection (5) of this definition, and/or any person is excluded on the basis of age from all or any portion of the premises;

(B) "Adult video store" means any commercial or retail establishment in which a substantial portion of its "stock in trade," as defined in subsection (6) of this definition, consists of prerecorded video tapes, discs or similar material distinguished by or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection (5) of this definition, and/or any person is excluded on the basis of age from all or any portion of the premises.

(5) *Specified Anatomical Area and Specified Sexual Activity.* For purposes of these definitions "specified anatomical area" and "specified sexual activity" shall mean as follows:

(A) "Specified anatomical area" means:

- (i) Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below the point immediately above the top of the areola;
- (ii) Human male genitals in a discernibly turgid state even if completely or opaquely covered.

(B) "Specified sexual activities" means:

- (i) Acts of human masturbation, sexual intercourse or sodomy; or
- (ii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
- (iii) Human genitals in a state of sexual stimulation or arousal.

(6) *Stock in Trade.* For purposes of these definitions "stock in trade" means the dollar value of all merchandise available for purchase, rental, viewing or use by patrons of the establishment or the total volume of shelf space and/or display area in those areas of the establishment open to the public.

*Adult Daycare Center/Adult Family Home.* See "family home services."

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

- (1) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or
- (2) For owner-occupied housing, eight percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other agricultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

"Agricultural land" means land primarily ~~or historically devoted to the commercial production of horticultural, agronomic, or specialty crops, as well as apiary and animal production~~devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

"Agricultural market" means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off site, but may include as incidental and accessory to the principal use the sale of factory sealed or prepackaged food products and some limited nonfood items. This definition does not include the sale of livestock.

"Agricultural product support" means a business that provides a product or service intended for use in the processing, storage, preservation or distribution of agricultural commodities. This definition does not include agricultural processing, storage, preservation, distribution, and related uses.

"Agricultural service establishment" means those uses specifically engaged in performing agricultural or horticultural services on a fee or contract basis, including but not limited to the following:

- (1) Crop dusting and spraying services;
  - (2) Harvesting and plowing services;
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- (3) Agricultural land grading services;
  - (4) Farm equipment service and repair;
  - (5) Large animal veterinary services;
  - (6) Agricultural fertilizer and chemical product application services.

"Agricultural stand" means a structure, or portion thereof, up to one thousand square feet in area used for the retail sale of agricultural and related incidental products, excluding livestock.

"Agriculturally related industry" means those industrial uses directly related to the packaging, processing, storage, or physical or chemical alteration of the agricultural product. Such industries include, but are not limited to: cold storage plants, controlled atmosphere, produce packing and processing facilities, wineries and their accessory uses such as tasting and sales rooms.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, floriculture, apiary, livestock farming, dairying, animal feeding operations, animal husbandry, composting associated with the primary agricultural use, land application of soil amendments or agricultural waste at agronomic rates, and farm oriented storage for commercial value. Synonymous with farming or ranching.

"Airport or landing field" means any landing area, runway or other facility designed, used or intended to be used for the landing and taking off of aircraft, including aircraft storage, hangars and other appurtenant buildings and open spaces. "Airport or landing field" is further defined as follows:

- (1) *Personal Use Landing Field*. A landing field or heliport with not more than two based aircraft used for agricultural crop dusting of the owner's or tenant's property only, or the personal use of the owner or tenant of the site, with no commercial operations.
- (2) *Restricted Use Landing Field*. A landing field or heliport with exclusive rights of use reserved to the owner for personal or commercial use. This shall include owners or tenants of a planned development zoning district, industry or institution.
- (3) *Public Use Landing Field*. Any landing field, airport, heliport or helipad available for public use.

"All lots zoned predominantly for residential use" means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family

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residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only a secondary means of access to abutting property.

"Amendment" means a change in the wording, context or substance of this title, or change in the zoning district boundaries on the official zoning map, which map is a part of this title.

"Amusement park" means a permanent outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items, and buildings for shows and entertainment.

"Animal clinic/hospital" means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.

"Animal feeding operation (AFO)" means a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and where crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season, and as further defined in the Code of Federal Regulations (CFR, currently [40 CFR 122](#)).

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

- (1) Omni-directional antenna (also known as a "whip" antenna) transmits and receives communication signals in a three-hundred-sixty-degree radial pattern. For the purpose of this title an omni-directional antenna is up to fifteen feet in height and up to four inches in diameter.
  - (2) Directional antenna (also known as a "panel" antenna) transmits and receives communication signals in a specific directional pattern of less than three hundred sixty degrees.
  - (3) Parabolic antenna (also known as a "dish" antenna) is a bowl-shaped device for the transmission and/or reception of communication signals in a specific directional pattern.
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"Antique store" means an establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have intrinsic value and significance as a result of age (generally fifty years or older), design or sentiment.

"Apartment" means a room or suite of two or more rooms in a multifamily dwelling, occupied or suitable for occupancy as a residence for one family. This definition does not include "accessory apartments."

"Appeal" means a request for review of an administrative official's decision, determination, order or interpretation of any provisions of this title.

"Applicant" means a person, party, firm, corporation, or other legal entity that submits an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner.

"Aquaculture" means keeping or raising aquatic plants or animals including, but not limited to, fish hatcheries and fish farms. This definition excludes commercial aquaculture processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to zoning ordinance requirements for the principal use. Commercial aquaculture processing, packing and storage may be considered, where appropriate, under other commercial or industrial categories.

"Athletic club" means a privately owned facility that offers comprehensive athletic facilities. These facilities typically have one or more of the following: tennis, racquetball, squash, handball, basketball and volleyball courts; swimming pools; whirlpools; saunas; spas; exercise and weight rooms. They often offer diverse, competitive team sport activities and social facilities. These facilities are membership clubs that may allow access to the public for a fee.

"Attached" means structurally dependent, sharing a common or party wall for not less than fifty percent of the length of the common wall. A breezeway is not a common wall.

"Attached single-family" means a "single-family dwelling" designed exclusively for occupancy by one family and containing no more than one dwelling unit which is structurally dependent, sharing a common or party wall for not less than fifty percent of the length of the common wall. Manufactured or modular homes are not permitted as an attached single-family dwelling.

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"Automobile, truck, mobile/manufactured home and recreational vehicle sales area" means a covered or uncovered place used for display, sale or rental of new or used automobiles, trucks, mobile/manufactured homes and recreational vehicles.

"Automobile wrecking, dismantling, salvage or junk yard" means a place used for the storage and/or sale of used automobile parts or other salvage materials and for the storage, dismantling, sorting, cleaning, or baling of wrecked automobiles, trucks, trailers, machinery and other discarded or salvage materials.

"Automotive impound yard" means an area within which is stored new and used or damaged cars, trucks, motor homes, trailers (other than manufactured/mobile homes) and other motor vehicles for up to sixty days for any one vehicle until reclaimed by the owner or sold at public auction.

*Automotive Service Station.* See "service station." (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 193, 2004.)

## **B.**

"Bed and breakfast inn" means a residential structure providing individuals with lodging and meals for not more than fifteen days and containing not more than five guest rooms used to provide temporary travelers' accommodations and meals for a fee.

"Beverage industries" means the production, processing and/or packaging of milk, soft drinks, beer, wine, fruit juices and other drinks.

*Bingo Parlor.* See "game room."

"Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Boarding or lodging house" means one or more buildings with not more than five guest rooms where lodging and meals may be provided for compensation for not more than ten persons, but shall not include apartments, family home services, health care facilities, daycare centers, residential care facilities. Any number of guest rooms over five shall be considered an overnight lodging facility.

*Building.* See "structure."

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"Building area" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and maximum lot coverage.

"Building height" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or finished ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or finished ground surface is not more than ten feet above the lowest finished grade;
- (2) An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in subsection (1) of this definition is more than ten feet above the lowest finished grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

"Building official" means the city administrator and/or his designee. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1879, § 1, 2012; Ord. 1634, § 194, 2004.)

## **C.**

"Campground" means an area or tract of land upon which two or more campsites are located, established or maintained for occupancy by individuals using tents or camping quarters other than recreational vehicles as temporary living quarters for recreation, education or vacation purposes.

"Campground/recreational vehicle park" means an area or tract of land upon which two or more campsites are located, established or maintained for occupancy by individuals using tents, camping or recreational vehicles, as temporary living quarters for recreation, education or vacation purposes.

"Camping or recreational vehicle" means vacation trailer, park trailer, fifth-wheel, self-propelled vehicle or structure equipped with wheels for highway use which is designed for human occupancy and is used for temporary, recreational or emergency purposes, but not for residential purposes. The vehicle may be equipped with plumbing, including sink and/or toilet.

*Card Room.* See "game room."

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"Change of use" means a change of use from one use listed in Chapter [10.28](#), Table 10.28A to another use listed in that table.

"Class 1 uses" means those uses set forth and defined in the text and tables of this title and are permitted on any site in a zoning district provided the district standards are met. The building official shall review Class 1 uses for compliance with the provisions and standards of the zoning district. In some cases Class 1 uses may require review by the administrative official.

"Class 2 uses" means those uses set forth and defined in the text and tables of this title and are generally permitted. However, site plan review by the administrative official is required in order to promote compatibility with the intent and character of the zoning district and the objectives of the Selah Urban Growth Area Comprehensive Plan.

"Class 3 uses" means those uses set forth and defined in the text and tables of this title and are generally incompatible with their neighbors because of their size, emissions, traffic generation or for other reasons. However, they may be compatible with other uses in the zoning district if they are properly sited and designed. Class 3 uses may be recommended for approval by the planning commission and approved by the legislative authority when it is determined, after a public hearing, that difficulties related to compatibility, the provision of public services, and the objectives of the Selah Urban Growth Area Comprehensive Plan have been adequately resolved.

*Class 1, 2 or 3 Uses, Approved.* "Approved Class 1, Class 2 or Class 3 uses" means any use or development approved upon completion of Class 1, 2 or 3 review.

*Class 1, 2 or 3 Uses or Development, Existing.* "Existing Class 1, Class 2 or Class 3 uses or development" means any use or development legally existing or legally established prior to the effective date of this title and has been or would be classified under Chapter [10.28](#) as a Class 1, 2 or 3 use in a particular zoning district even though the use has not been reviewed as a Class 1, 2 or 3 use and may not conform to the standards of this title.

*Closed Record Appeal.* See Title [21](#), Chapter [21.01](#).

"Cluster development" means the arrangement or grouping of lots on some portions of the property to preserve the remainder for either: future infill development; open space and other amenities associated with the property. Development could include zero lot lines, common wall construction, private interior streets, shared site amenities such as off-street parking, access drives, open space and recreational facilities, and individual or multiple unit dwelling structures.

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"Commercial services" means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.

"Communication tower" means a structure upon which can be mounted a pole, mast, whip, antenna, or any combination thereof used for radio, television, cellular or microwave telecommunications, broadcast transmission, or line-of-sight relay.

"Community center" means a facility owned and operated by a public agency or nonprofit corporation, provided the principal use of the facility is for public assistance, community improvement, or public assembly.

"Community center recreational" means a recreational community center that is a stand-alone public facility similar to and including YMCAs. These facilities often include classes and clubs for adults and children; a daycare or nursery school; meeting rooms; swimming pools and whirlpools; saunas; tennis, racquetball, handball, basketball and volleyball courts; outdoor athletic field/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms; and a restaurant or snack bar. Public access is typically allowed but a fee may be charged.

"Compatibility" means the characteristics of different uses or development that permit the uses to be located near each other in harmony.

"Comprehensive plan" means the adopted city of Selah Urban Growth Area Comprehensive Plan as it now exists or may hereinafter be amended.

"Concentrated animal feeding operation" means a structure or pens for the concentrated feeding or holding of animals or poultry, including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.

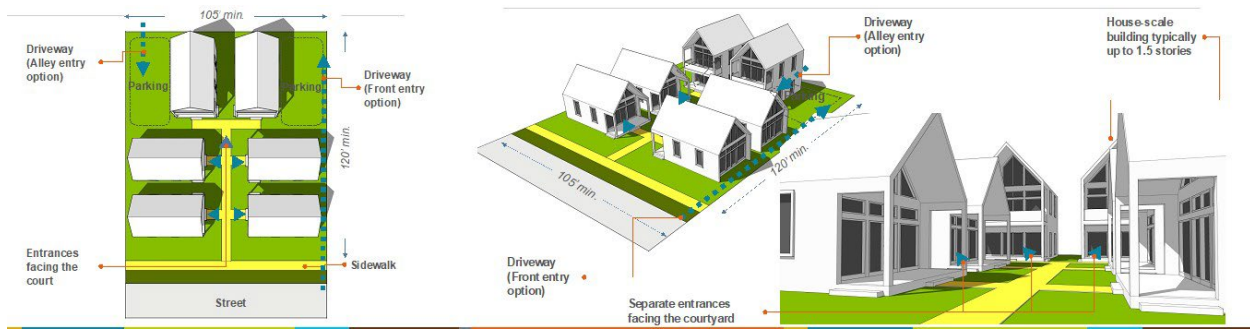
"Convenience market" means a building not greater than four thousand square feet, which is open twenty-four hours per day, and sells convenience foods, newspapers, magazines and often beer and wine; they do not have gasoline pumps (see ITE Parking Generation Manual for definition of "convenience market" with gasoline pumps).

"Converted dwelling" means a structure, which, due to interior alterations, has been modified to increase the number of individual dwelling units. This definition does not apply to multifamily structures constructed under the provisions of this title.

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“Cottage housing” means residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Examples of Middle Housing (MH) Courtyard Buildings are as follows:

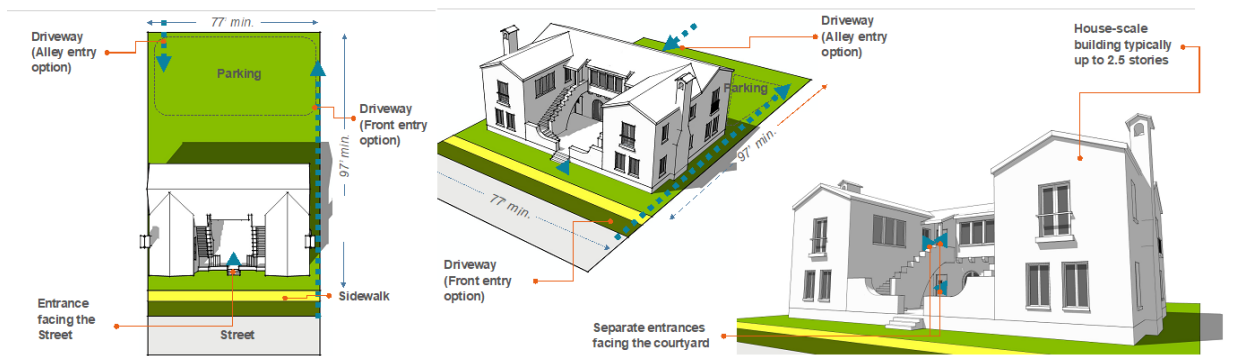
- (1) MH Cottage Housing – A group of six small, detached house-scaled buildings typically up to 1.5 stories in height, arranged to define a shared court open to and visible from the street.



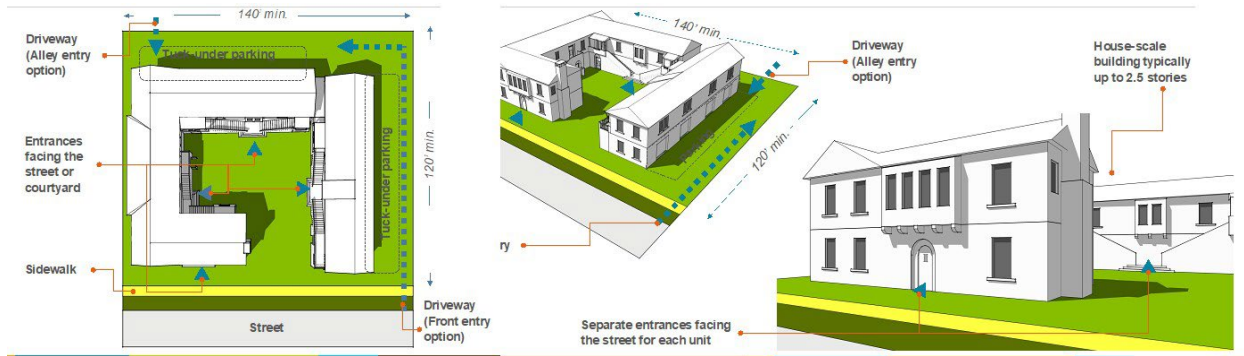
“Courtyard apartments” means up to 4 attached dwelling units arranged on 2 or 3 sides of a yard or court.

MH Courtyard Building – A detached or attached, house-scaled building consisting of at least six individual units with individual entrances off a central courtyard that faces the street typically up to 2.5 stories in height.

- (1) MH Courtyard Building Example 1 – A detached or attached, house-scaled building consisting of at least six individual units with individual entrances off a central courtyard that faces the street typically up to 2.5 stories in height.



## (2) MH Courtyard Building Example 2



"Crisis residential facility" means a protective residential facility operated to provide secure or semi-secure temporary shelter for children under the age of eighteen years.

"Critical slope" means area(s) of land where the slope is twenty-five percent or greater. This slope is calculated as a percentage by measuring the vertical rise over any forty-foot horizontal run for a specific area that results in a percentage of twenty-five percent or more. The critical slope hazard area includes the area of land that extends for ten feet beyond the top and/or toe of the slope. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 195, 2004.)

### D.

"Dangerous waste" means those solid wastes designated in WAC [173-303-070](#) through [173-303-103](#) as dangerous or extremely hazardous waste.

*Daycare Center, Child.* "Child daycare center" means any preschool, day nursery, nursery school, child home-based daycare nursery or other building or premises regularly used for the daycare of a group of children for periods of less than twenty-four hours, apart from their parents or guardians, governed by the state daycare center licensing provisions and conducted in accordance with state requirements.

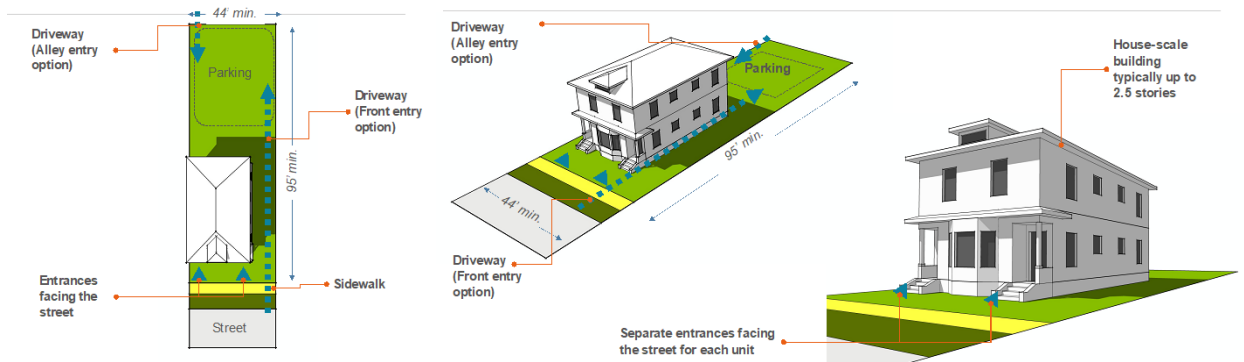
"Density" means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads).

“Development regulations” means any controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, official controls, subdivision ordinances, and binding site plan ordinances.

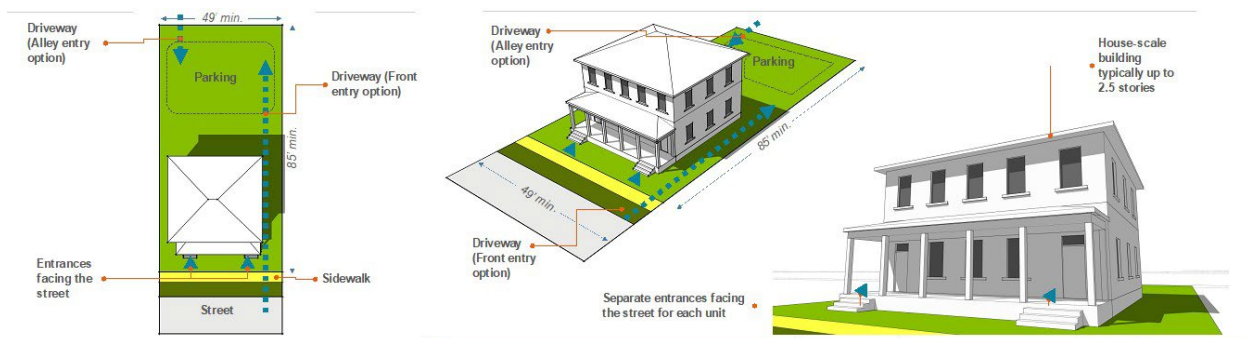
“Discount club” means a store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires and appliances; many items are sold in large quantities or in bulk.

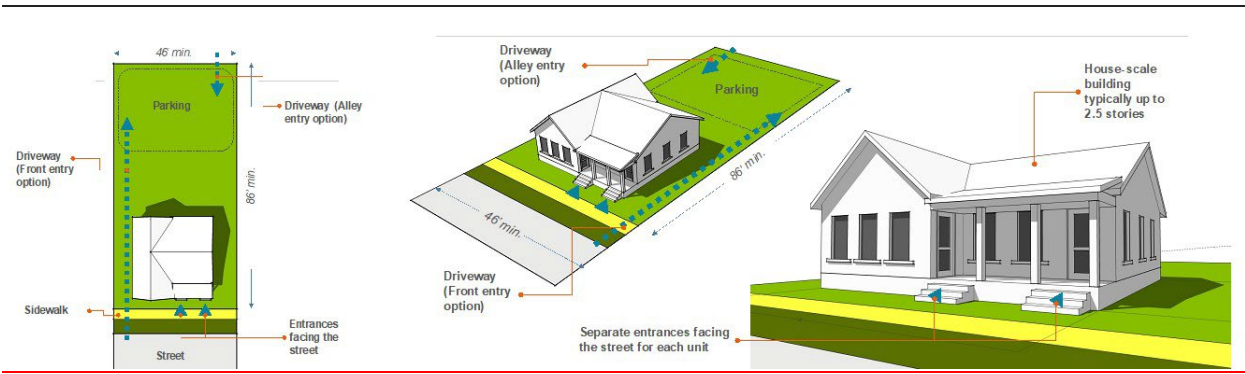
“Duplex” means a residential building with two attached dwelling units. Examples of Middle Housing (MH) duplexes are as follows:

(3) MH Duplex Stacked – A small-to medium sized, detached, house-scaled building consisting of two stacked units which both face the street and are contained within a single building, typically up to 2.5 stories in height.



(4) MH Duplex Side-by-Side – A small-to medium sized, detached, house-scaled building consisting of two side-by-side units which both face the street and are contained within a single building, typically up to 2.5 stories in height.





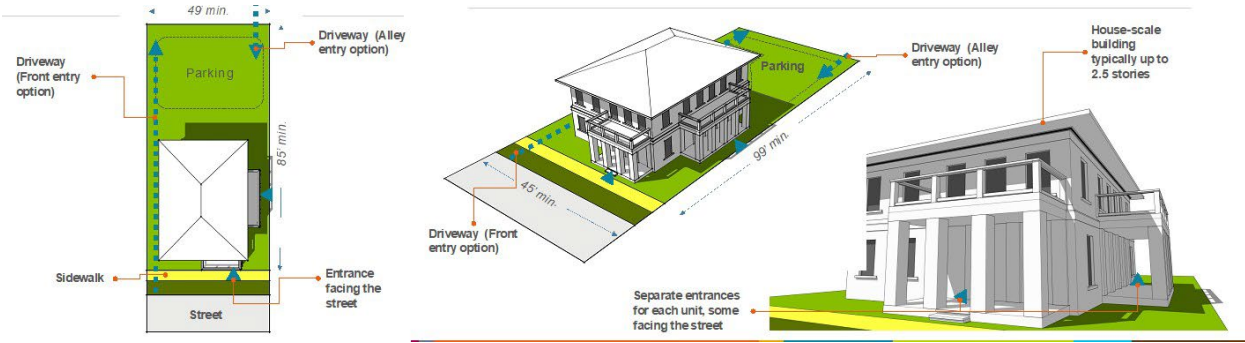
"Dwelling" means a building, structure or portion thereof designed exclusively for residential purposes, including residential use and occupancy by persons with handicaps.

~~"Structurally dependent" means sharing a common or party wall for not less than fifty percent of the length of the common wall. A breezeway is not a common wall.~~

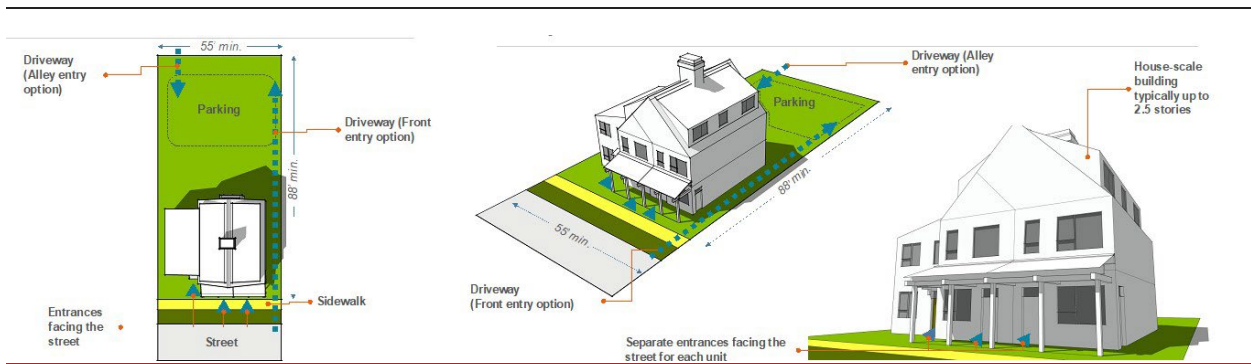
*Dwelling, Multifamily.* "Multifamily dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Also see "apartment." :

(1) "Triplex" means a residential building with three attached dwelling units. Examples of Middle Housing (MH) triplexes are as follows:

(a) MH Triplex – A small-to-medium sized, detached, house-scaled building consisting of three units which are entered from the street and are contained within a single building, typically up to 2.5 stories in height.

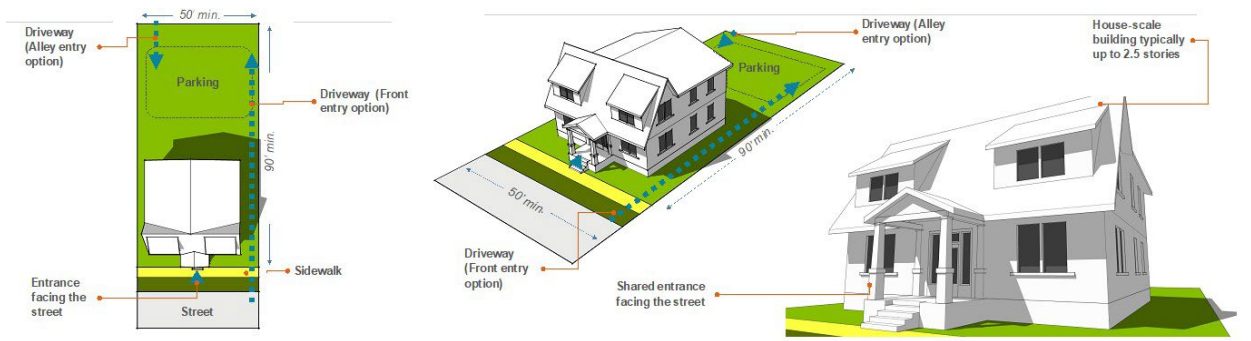




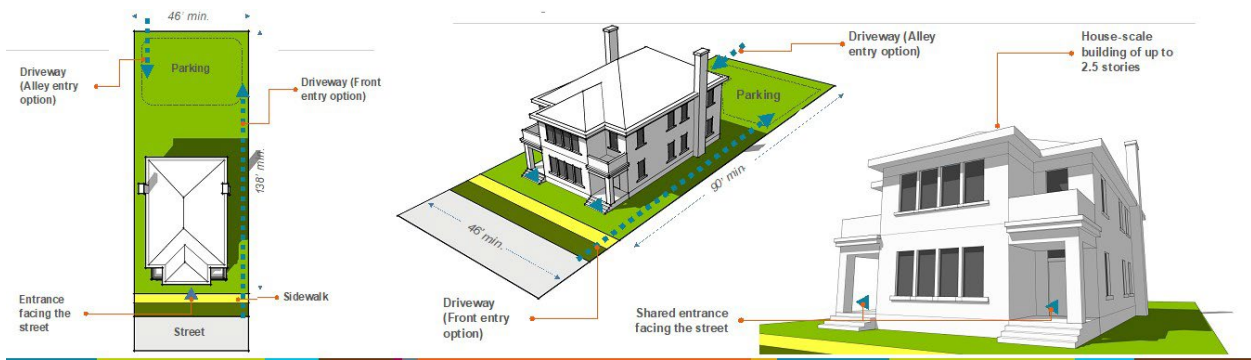


(2) "Fourplex" means a residential building with four attached dwelling units. Examples of Middle Housing (MH) fourplexes are as follows:

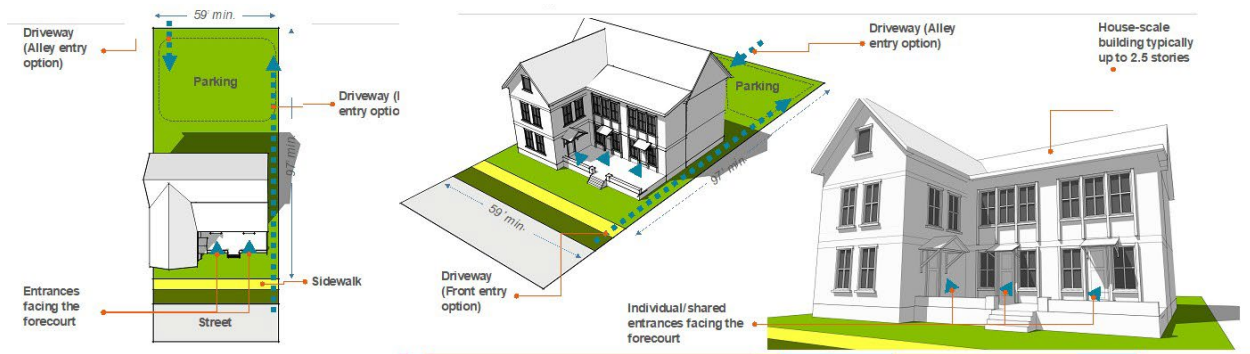
(a) MH Four-plex – A small-to-medium sized, detached, house-scaled building consisting of four units, two on each floor that share a common entry from the street and are contained within a single building, typically up to 2.5 stories in height.



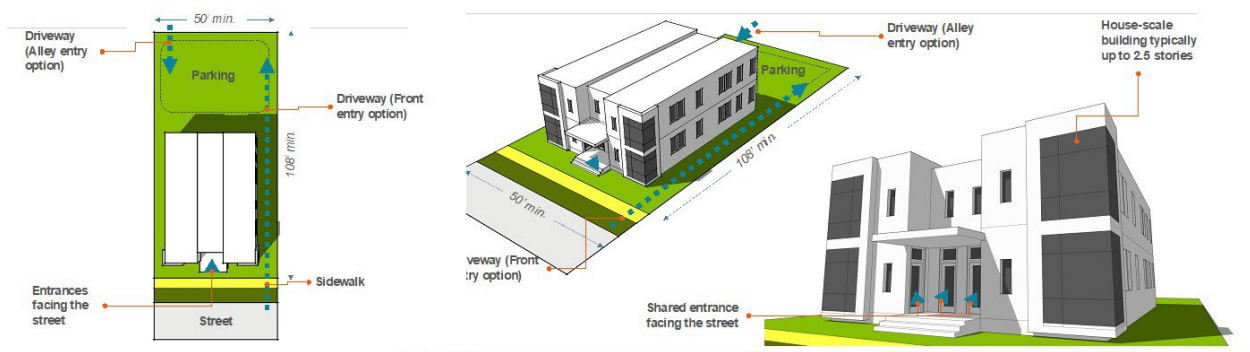
(b) MH Four-plex – A small-to-medium sized, detached, house-scaled building consisting of four units, two on each floor that share two common entries from the street and are contained within a single building, typically up to 2.5 stories in height.



(c) MH Four-plex – A small-to-medium sized, detached, house-scaled building consisting of four units, centered around a small forecourt, two units share an entrance, and two units have separate entrances, all of which face the street and are contained within a single building, typically up to 2.5 stories in height.

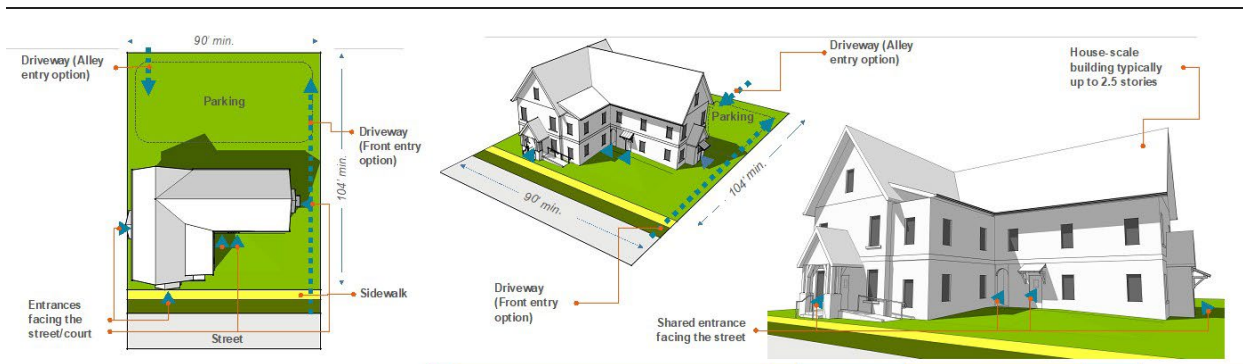


(d) MH Four-plex – A small-to-medium sized, detached, house-scaled building consisting of four units, two on each floor, with individual entrances which face the street contained within a single building, typically up to 2.5 stories in height.

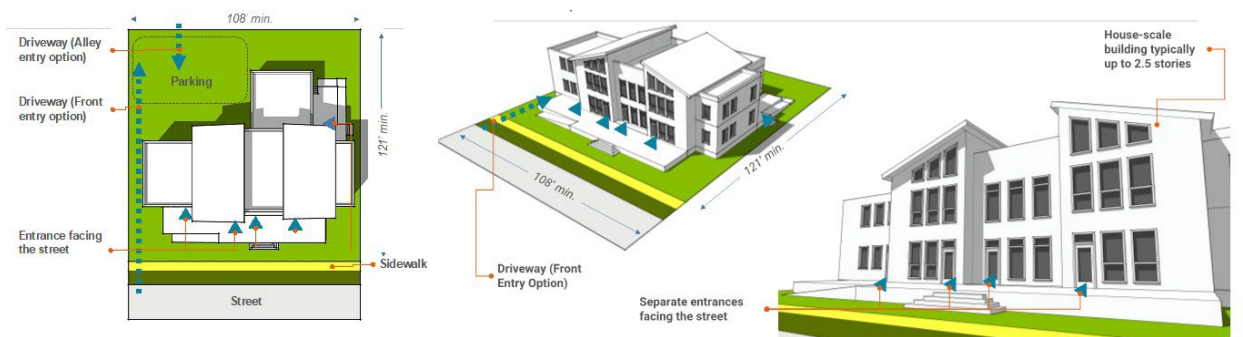


(3) “Five-plex” means a residential building with five attached dwelling units. Examples of Middle Housing (MH) Five-plexes are as follows:

(a) MH Five-plex – A small-to-medium sized, detached, house-scaled building consisting of five units with individual entries accessed from the street or forecourt and are contained within a single building, typically up to 2.5 stories in height.

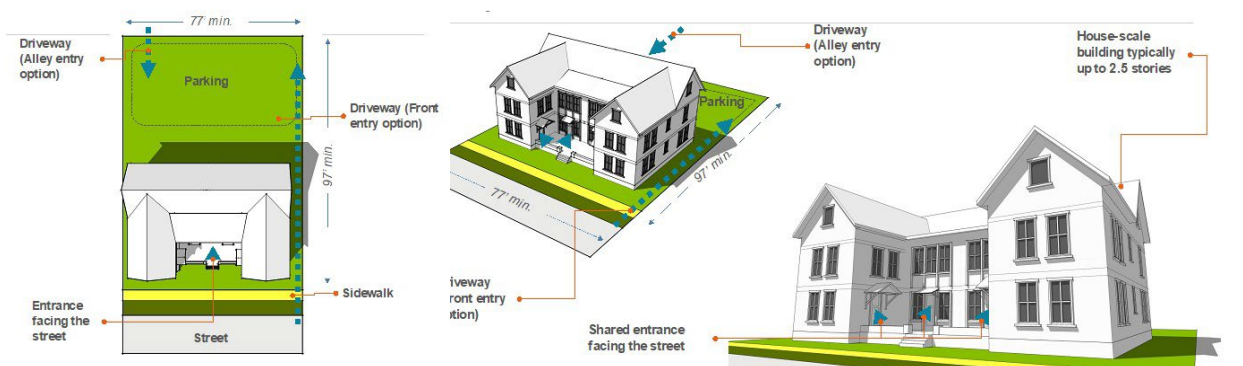


(b) MH Five-plex – A small-to-medium sized, detached, house-scaled building consisting of five units with individual entries accessed from the street and are contained within a single building, typically up to 2.5 stories in height.

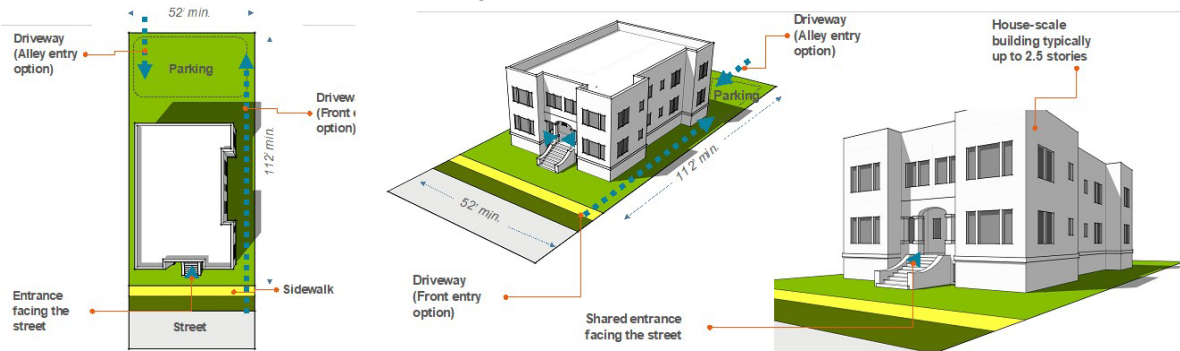


(4) “Six-plex” means a residential building with six attached dwelling units. Examples of Middle Housing (MH) Six-plexes are as follows:

(a) MH Six-plex – A small-to-medium sized, detached, house-scaled building consisting of six units four shared entrances and two with separate entrances, all from a central forecourt accessed from the street and contained within a single building, typically up to 2.5 stories in height.



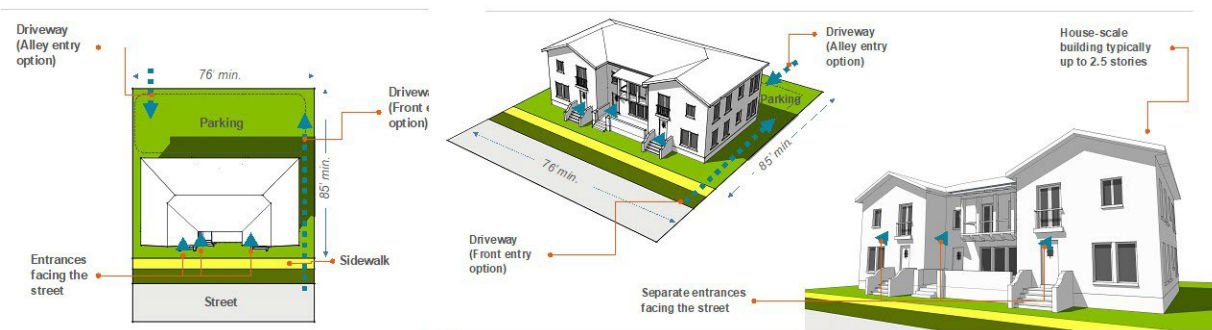
(b) MH Six-plex – A small-to-medium sized, detached, house-scaled building consisting of six units, three on each floor, that share a common entry that faces the street and is contained within a single building, typically up to 2.5 stories in height.



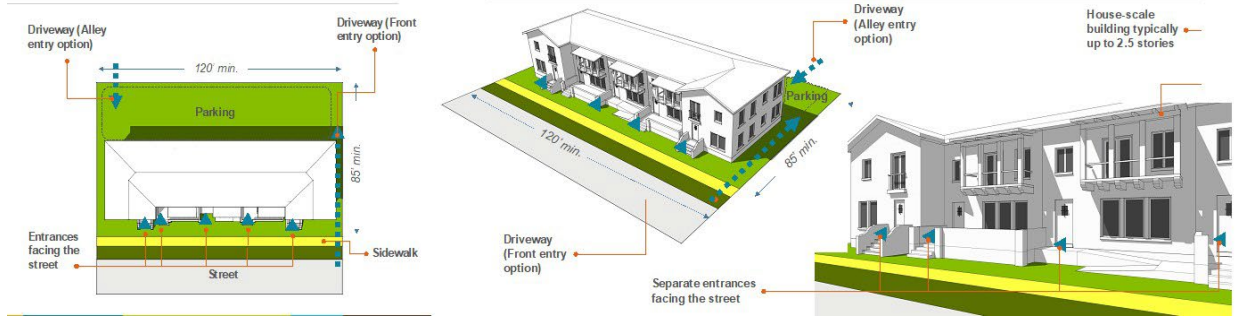
(5) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

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

(a) MH Townhouse – A small-sized, attached, house-scaled building consisting of three individual units with common walls each with its own entrance that faces the street typically up to 2.5 stories in height.



(b) MH Townhouse – A small-sized, attached, house-scaled building consisting of five individual units with common walls each with its own entrance that faces the street typically up to 2.5 stories in height.



*Dwelling, Single-Family.* "Single-family dwelling" means a structure designed exclusively for occupancy by one family and containing no more than one dwelling unit. This definition includes manufactured, and modular homes. Also see "modular home."

*Dwelling, Two-Family.* "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units. Such definition also includes the term "duplex which means a residential building with two attached dwelling units."

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation~~one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.~~

## E.

"Educational facility" means schools, business schools, trade schools.

"Electric vehicle battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter [19.28](#) RCW and consistent with rules adopted under RCW [19.27.540](#).

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

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelters may not require occupants to enter into a lease or an

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occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

"Especially sensitive land uses" means those uses which are, by their nature, especially sensitive to farm, forest or mineral resource operations and management practices. These land uses include dwellings; schools; family home services such as adult daycare homes and child daycare facilities; health care facilities such as hospitals, clinics and convalescent care facilities; outdoor recreational facilities and similar uses.

"Extremely low-income house hold" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

## **F.**

~~"Family" means an individual, or two or more persons related by blood, marriage or adoption or a group of not more than five persons, excluding servants, who are not related by blood, marriage or adoption, living together in a dwelling unit. "Family" means individuals, consisting of two or more persons related by blood, marriage or adoption, or a group of not more than five persons, excluding servants, who are not related by blood, adoption or marriage, living together as a single housekeeping unit in a dwelling unit.~~

A. The term "family" shall include:

1. State-licensed adult family homes required to be recognized as residential uses pursuant to RCW 70.128.175;
2. State-licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusions of subsection B of this definition; and
3. Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act and the Washington Housing Policy Act, RCW 35.63.220 and 35A.63.240, respectively.

B. The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

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C. Calculation of Residents. When calculating the number of unrelated persons residing in a single-family dwelling unit, the following rules shall apply:

1. When one or more unrelated persons reside with a family whose members are related by genetics, adoption or marriage, the total number of residents shall not exceed five persons except as provided in subsection (C)(2) of this definition.
2. A family unit consisting entirely of persons related by genetics, adoption or marriage may rent a room to a total of two additional renters, or up to two students as a part of a recognized foreign exchange program or similar educational, nonprofit program, or a combination of a renter and such student to a total of two additional persons. The additional renters and/or foreign exchange students, to a maximum of two, shall not be considered when calculating the number of unrelated persons residing in a dwelling unit under subsection (C)(1) of this definition. Three or more renters and/or students shall be considered as unrelated individuals and all persons residing in a dwelling unit, regardless of whether a portion of them are related by genetics, adoption or marriage, shall be considered when determining the total unrelated persons residing at a site.
3. Nothing herein shall be interpreted to limit normal hosting activities associated with residential use.

"Family home services" means and includes the following:

- (1) "Adult daycare home" means a regular family abode of a person or persons providing personal care, or special care for less than twenty-four hours to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing the services.
  - (2) "Adult family home" means a regular family abode of a person or persons providing personal care, or special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing the services.
  - (3) "Family daycare providers" means a licensed child care provider who regularly provides early childhood education and early learning services for less than twenty-four hours, for not more than twelve children in the family living quarters, including children who reside at the home.
  - (4) "Foster family home" means a dwelling unit in which foster care is provided on a twenty-four-hour basis for not more than six unrelated children, expectant mothers or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or disabled person is placed as part of the family, and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.
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(5) *Group Care Facility, Small.* "Small group care facility" means a facility for handicapped, physically disabled or developmentally disabled adults, or dependent or pre-delinquent children, plus house parents, providing facilities residentially oriented in a home-like environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere for only six or fewer such persons, plus house parents. Does not include "halfway house."

(6) "Halfway house" means a home for juvenile delinquents, adult offenders, those leaving correctional and/or mental institutions, or a rehabilitation center for alcohol and/or drug users providing residentially oriented facilities which allow rehabilitation or social adjustment for persons who are in need for supervision or assistance in becoming socially reoriented but not in need of institutional care. Such facility provides a reintroduction of residents into a normal community life by providing a stable living situation rather than incarceration or a reintroduction without home, job or social reinforcement. Does not include a state licensed crisis residential facility as that term is used by statute.

(7) *Licensed Boarding Home, Small.* "Small licensed boarding home" means any home or other institution however named which is advertised, announced or maintained for the express or implied purpose of providing domiciliary assisted living services and enhanced adult residential care to three to six aged persons not related by blood or marriage.

(8) "Safe/shelter home" means a place of temporary refuge (e.g., shelter) which includes access to adequate food and clothing offered on a twenty-four-hour, seven-day-per-week basis to victims of domestic violence and their children. A safe home is a component of or has a working agreement with a domestic violence service for up to two lodging units. A shelter home includes three or more lodging units.

*Feedlot.* See "animal feeding operation (AFO)."

"Flea market" means an occasional or periodic market usually held in an open area, but which may be held indoors, where an individual or groups of individual sellers offer goods for sale to the public. A key element to flea markets is that there are no long-term leases between the sellers and operators and that often the sellers use their own vehicles for display or set up temporary tables or booths for their wares. (See "yard sale.")

"Floriculture" means the cultivation and management of ornamental and especially flowering plants.

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"Fraternal organizations, lodges and clubs" means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and informal written membership requirements. May include eating facilities or meeting or reception halls. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 2018, § 2, 2017; Ord. 1634, § 198, 2004.)

**G.**

"Game room" means a commercial facility, or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played.

*Garage.* See "parking facility."

*Garage Sale.* See "yard sale."

"General retail sales (not otherwise regulated)" means, but is not limited to, land uses as specified below and uses which meet the definition of retail trade.

Addressing, mailing and stenographic services	Toy and hobby stores
Antique stores	Jewelry, watches, silverware sales and repair
Artist's supplies	Music stores/instrument sales and repair
Bakeries	Secondhand stores
Bookstores	Paint, glass and wallpaper stores
Stationery and office supplies	Pet stores and supplies/grooming
Camera and photographic supplies	Printing, photocopy service

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Clothing, shoes and accessories	Sporting goods and bicycle shops
Computer and electronic stores	Video sales/rental
Collectables (cards, coins, comics, stamps, etc.)	Gift shops
Department stores	Discount store
Drugstores and pharmacies	Variety store
Fabric and sewing supplies	Specialty shops
Florist (indoor sales only)	Small appliances
Specialty food stores	TVs, business machines, etc., sales

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

"Gross floor area" means the total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure, and including halls, lobbies, enclosed porches and fully enclosed recreational areas and balconies, but excluding stairways, elevator shafts, attic space, mechanical rooms, uncovered steps and fire escapes, private garages, accessory structures, carports, and off-street parking and loading areas. Storage areas are included in gross floor area.

"Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use. The area of tenant occupancy is measured from the inside wall or building partition wall to the inside of the opposing wall. All tenant areas, including areas used for storage, but excluding mechanical equipment rooms, shall be included in calculating gross leasable area.

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*Group Home.* See "family home services." (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 199, 2004.)

## **H.**

*Halfway House.* See "family home services."

"Hazardous waste" means and includes all dangerous and extremely hazardous waste, including petroleum-contaminated soils. Hazardous waste management, treatment or storage facilities, whether on or off site, are subject to the requirements of Chapter [70.105](#) RCW and the state siting criteria adopted pursuant to statute.

- (1) *Generator.* "Hazardous waste generator" means any person or site whose act or process produces dangerous waste or whose act or process first causes a dangerous waste to become subject to the dangerous waste regulations, Chapter [173-303](#) WAC.
- (2) "Off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
- (3) "On-site" means hazardous waste treatment and storage facilities that treat and store waste generated on the same site.
- (4) "Storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC [173-303-200](#) and [173-303-201](#).
- (5) "Treatment" means the physical, chemical, or biological processing of dangerous wastes to make such waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

"Health care facilities" means and includes the terms alcoholism/substance abuse treatment facility, hospice, hospital, psychiatric hospital, convalescent or nursing home, ambulatory surgical facility, and sanitarium. Several are further defined as follows:

- (1) "Alcoholism/substance abuse treatment facility" means a private place or establishment, other than a hospital, licensed by the state and operated primarily for the inpatient treatment of alcoholism and other substance abuse problems. May include outpatient treatment.
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(2) "Convalescent or nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours, to persons who by reason of illness or infirmity are unable to properly care for themselves.

(3) "Hospice care" means palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying.

(4) "Hospital" means an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery and obstetrics and general medical practice.

(5) *Sanitarium*. "Sanitarium or sanatorium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and is licensed by state agencies under provision of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders.

"Health/fitness club" means a privately owned facility that primarily focuses on individual fitness or training. Typically they provide exercise classes; weightlifting, fitness and gymnastics equipment; spas; locker rooms; and small restaurants or snack bars. This land use may also include ancillary and limited retail. These facilities are membership clubs that may allow access to the public for a fee.

"Hearing examiner" means the duly appointed city of Selah hearing examiner, or hearing examiner pro tem.

"Heavy equipment" means self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as a tandem axle truck, grader, backhoe, tractor trailer, crane and lift but excluding automobiles, recreational vehicles and boats and their trailers.

"Heavy equipment storage area" means a place where two or more operable heavy equipment are stored.

"Home occupation" means the accessory use of a dwelling or an on-site accessory building for a business. Home occupations are further categorized as:

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(1) "Minor home occupation" means any occupation which is clearly secondary to the main use of the premises as a dwelling place, and does not change the character thereof or have any exterior evidence of such secondary use (e.g., outward physical appearance, storage of materials, supplies or vehicles, noise, electrical interference) other than signing as permitted in the zoning district in which it is situated. Minor home occupations are conducted within the dwelling and/or an on-site accessory building; the only employees are members of the family residing in the dwelling; there is no customer traffic to the dwelling; and the home occupation excludes all manufacturing, assembly and/or repair operations.

(2) "Major home occupation" means any occupation which is clearly secondary to the main use of the premises as a dwelling place, and does not change the character thereof or have any exterior evidence of such secondary use (e.g., outward physical appearance, outdoor storage of materials, supplies or vehicles, noise, electrical interference, lighting, vibrations) other than signing as permitted in the zoning district in which it is situated. Major home occupations may be conducted within the dwelling and/or an on-site accessory building by members of a family residing in the dwelling; may include nonresident employees; may attract customer traffic; and may include on-site services, sales, manufacturing, assembly and/or repair operations.

"Homeowners association" means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or other facilities.

*Hotel.* See "overnight lodging facility." (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 200, 2004.)

## **I.**

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, patios and other similar structures.

"Industrial uses" means activities predominately connected with manufacturing, assembly, processing, or storage of products.

"Intensity" means the combination of factors (such as visual appearance and building size, traffic generation, noise, dust and light and economic value) associated with a particular use that

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determines the potential impact of that use on neighboring land uses. The higher the intensity the greater the possible impact on neighboring land uses. Generally the intensity of a land use will determine its compatibility with other types of land uses.

"Irrigation and/or drainage facilities" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 201, 2004.)

## **K.**

"Kennel" means a structure, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof, or in or at which six or more cats and four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels but not animals kept in pet shops or animal hospitals. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 202, 2004.)

## **L.**

"Land use" means the manner in which land and/or structures are used.

"Landscaping" means the arrangement and planting of trees, grass, ground cover, shrubs, flowers, landscaping, and the placement of site screening, pedestrian or bicycle pathways to achieve functional and/or aesthetic enhancement of a site.

"Legislative authority" means the city council of the city of Selah.

"Livestock" means horses, cattle, goats, chickens, ducks, geese, pigs, rabbits, sheep, mink or other animals normally considered "livestock."

"Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include "tracts" or "parcels."

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*Lot, Corner.* "Corner lot" means a lot situated at the intersection of two or more streets, provided the angle of the intersection of the street margins does not exceed one hundred thirty-five degrees.

*Lot, Inside or Interior.* "Inside or interior lot" means a lot other than a corner lot.

*Lot, Through.* "Through lot" means an interior lot having frontage on two streets.

"Lot area" means the total horizontal area within the boundary lines of a lot.

"Lot coverage" means ~~the percentage of the area of a lot covered by buildings and accessory structures~~ that portion of the lot that is covered by structures and other impervious surfaces.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

*Lot Line, Front.* "Front lot line" means the property line separating the lot from a street. For the purpose of establishing the front lot line for a corner lot, through lot or flag lot, the following shall apply:

- (1) In the case of a corner lot or through lot, the front lot line shall be the property line with the narrowest street frontage, except the building official or his designee shall designate the front lot line for corner lots or through lots in residential zoning districts.
- (2) For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front line shall be determined by the building official.

Where the building official determines the front of the lot consideration will be given to owner preference and public safety issues.

*Lot Line, Rear.* "Rear lot line" means the property line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or where the rear line of the lot is formed by two or more lines, the following shall apply:

- (1) For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;
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(2) In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line;

(3) In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

*Lot Line, Side.* "Side lot line" means any lot boundary line not a front lot line or rear lot line.

"Lot of record" means a lot shown on an officially recorded plat or subdivision, or a parcel of land where the deed or contract of sale is officially recorded, considered as a unit of property, and legally described. "Officially recorded" includes either official recordation with the county auditor or payment of excise tax to the county treasurer, so long as the date of payment is officially stamped on the document and that date is prior to December 28, 1964.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines; provided, that the length of the line constituting the rear line of the required front yard shall never be less than fifty feet.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eight percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

## **M.**

"Manufactured home" means a factory assembled single-family dwelling, as defined by Chapter [296-150M](#) WAC, and built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act. A manufactured home includes plumbing, heating, air conditioning, and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a single-wide, double-wide or triple-wide manufactured home relates to the corresponding number of sections of the home delivered to the site. The definition of manufactured home shall not include mobile home,

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recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out, or any other similar vehicle not labeled as a manufactured home under federal or state law.

"Manufactured home, new" as defined by RCW [35.63.160\(2\)](#) means any manufactured home required to be titled under RCW Title [46](#), which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW [82.45.032\(2\)](#).

"Manufactured home park" means a parcel of land utilized for the placement of two or more manufactured homes. Except, this definition does not include permitted manufactured home sales lots.

"Massage therapy/spa" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

"Meeting hall" means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes private bridge club-type card rooms, grange halls, etc.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, five-plexes, six-plexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

"Mineral processing" means the crushing, nonchemical washing (including sedimentation ponds), screening, sorting, stockpiling and blending of rock, sand, gravel and other earth, natural materials and/or precious metals including the process of converting sand and gravel or rock into asphalt or concrete products (i.e., concrete pipe, bricks, concrete forms and the like or the chemical blending or extraction of precious or semi-precious minerals).

"Mining site/operation" means a tract of land and the operations necessary to excavate, process, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this

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definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation provided the processing of the material does not occur on the property, the activity is completed quickly, does not occur over an extended period of time, and on-site stockpiles are fully depleted and a mining permit is not required from the Department of Natural Resources.

*Mini-Storage.* See "storage facilities, self-service."

"Mixed-use building" means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.

"Mobile home" means a factory assembled single-family dwelling built prior to June 15, 1976, to HUD Manufactured Housing Code standards, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. The definition of mobile home does not include: modular homes, manufactured homes; park models; or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle which is not intended, designed, constructed or used for residential purposes.

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

"Modular home" means a residential structure constructed in a factory of factory assembled parts and transported to the building site in whole or units which meets the requirements of the Uniform Building Code. The completed structure is not a mobile or manufactured home.

*Motel.* See "overnight lodging facility."

"Multiple building complex" means a group of two or more structures located on the same parcel, sharing the same access and/or parking facilities.

"Multiple tenant building" means a single structure housing two or more retail offices, commercial uses or residences sharing the same parcel, access and/or parking facilities.

"Multiplex movie theater" means a movie theater consisting of audience seating, a minimum of ten screens, a lobby and a refreshment area. The development generally has one or more of the following amenities: digital sound, tiered stadium seating and movable or expandable walls.

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"Multipurpose recreational facility" means a recreational facility containing two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, and golf driving ranges. Refreshment areas may also be provided. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 2018, § 2, 2017; Ord. 1634, § 204, 2004.)

## **N.**

"Nonconforming building or structure" means a building or structure, or portion thereof, that was lawfully established or altered prior to the adoption or applicable amendment of this title, which fails by reason of such adoption or amendment to conform to the present setback, lot coverage, or other development requirements of this title.

"Nonconforming lot" means a lot that was lawfully established prior to adoption or applicable amendment of this title, which fails to conform to the present area or dimensional requirements of this title.

"Nonconforming use" means a use of land, buildings or structures that was lawfully established prior to the adoption or applicable amendment of this title and since maintained, which fails by reason of such adoption or amendment to conform to the present land use regulations established by this title.

"Nursery" means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:

- (1) *Retail Nursery*. A nursery which offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items.
  - (2) *Wholesale Nursery*. A nursery which raises nursery stock for sale to a retail nursery or other business.
  - (3) *Greenhouse*. A nursery facility constructed with transparent or translucent materials for indoor propagation of plants. This definition does not include private greenhouses with no commercial sales. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 205, 2004.)
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## O.

"Occupied" includes the term designed or intended to be occupied.

"Off-road vehicle recreation facilities" include motor-cross courses, jeep courses, snowmobile courses and similar facilities.

*Open Record Hearing.* See Title [21](#), Chapter [21.01](#).

"Open space" means undeveloped land that serves a functional role in the life of the community. This term is further categorized as follows:

- (1) *Common Open Space.* Open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development.
- (2) *Pastoral or Recreational Open Space.* Areas that serve active or passive recreation needs, e.g., federal, state, regional and local parks, forests, historic sites, etc.
- (3) *Utilitarian Open Space.* Those areas not suitable for residential or other development due to the existence of hazardous and/or environmentally sensitive conditions, which can be protected through open space, e.g., critical areas, airport flight zones, well fields, etc. This category is sometimes referred to as "health and safety" open space.
- (4) *Corridor or Linear Open Space.* Areas through which people travel, and which may also serve an aesthetic or leisure purpose. For example, an interstate highway may connect Point A to Point B, but may also offer an enjoyable pleasure drive for the family. This open space is also significant in its ability to connect one residential or leisure area with another.

"Open space" as referred to in the clustering provisions of this title means a defined portion of the property on which no residential, commercial, or industrial buildings or structures are located that are valued at more than one thousand five hundred dollars or of a nature that could preclude use of the land for future development once the appropriate zoning, utilities (public water and sewer service) and other infrastructure are in place. Covenants may be required to assure control of noxious weeds, fire hazards, abandoned orchards and other nuisances.

"Outdoor commercial amusements" means those of a permanent nature involving a large assembly of people, such as drive-in theaters, racetracks, rodeos, waterparks, miniature golf courses, fairgrounds, zoos and other similar uses.

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"Outdoor living area" means an on-site area of lawn, garden, court, patio, pool or balcony in addition to the required off-street parking areas, driveways, service areas or areas of unstable slope.

"Overnight lodging facility" means a commercial establishment consisting of cabins and/or motel and hotel units in which there are six or more guest rooms for transient lodging accommodations on a daily rate to the general public and may include additional services such as restaurants, meeting rooms, and recreational facilities. This definition does not include mobile homes, camping or recreational vehicles.

"Owner – Accessory Dwelling Unit" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

## **P.**

"Park" means a public or privately owned area with facilities for active or passive recreation by the public. Parks are further categorized as "active" and "passive." An active park is designed to accommodate athletic activities, i.e., baseball, golf, soccer, swimming pool, tennis, etc. (two examples are Carlon and Wixson Parks); while a passive park may accommodate some minor athletic activities, i.e., basketball, frisbee, horseshoes, etc. (two examples are Riverside Playland and Palm Parks), its primary purpose is aesthetics and open space.

"Parking facility" means a structure, portion of a structure, or open lot, designed to store motor vehicles. Parking facilities are further categorized as follows:

- (1) *Private*. An accessory structure or an accessory portion of the principal structure, or open area, designed and used only for the shelter or storage of motor vehicles owned or operated by the occupants of the principal structure.
- (2) *Public*. A structure or an accessory portion of the principal structure, or an open lot, other than a private garage, designed and used for the rental of space for the storage of motor vehicles.

"Party of record" means the applicant and any other person who has submitted written comment on an action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

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

"Pet" means a domesticated animal kept for pleasure or as a hobby rather than utility including but not limited to: fish, dogs fewer than four, cats fewer than six, hen chickens (no roosters) fewer than five, and rabbits fewer than five.

"Pet daycare" means a building or structure in which an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.

"Planned development" means any development within the city of Selah urban growth area approved under Chapter [10.24](#) or previous planned development ordinance (i.e., planned residential development, planned commercial development, planned industrial development, and planned mixed-use development).

"Planning commission" means the duly appointed planning commission of the city of Selah.

"Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

"Public buildings and uses" means those public or quasi-public buildings and uses of a public works, public service, public safety or public utility nature not defined or listed elsewhere in this title. These buildings and uses characteristically may be hard to locate, need close proximity to utility corridors, require a location within a service area or specific site, or need access onto an arterial or collector street. Such buildings and uses include, but are not limited to: bus shelters, water towers, park and ride lots, interpretive centers, rest stops, road maintenance stockpile sites and the like.

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"Public facilities" means and includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, storm and sanitary sewer systems, water systems, parks and recreational facilities and schools.

"Public nuisance" means and includes any violation of the provisions of this title. Any violation of this title shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.

"Public services" includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

## **R.**

"Recycling center" means a facility where discarded household products, such as aluminum and tin cans, glass, paper, plastic, and other similar products, are deposited, packaged and stored for future reprocessing.

"Residential care facility" means a facility that is licensed to care for at least five functionally disabled persons.

"Retirement home" means an establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to or choose not to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness. Also see "apartment" and "multifamily dwelling."

"Reviewing official" means administrative official, building official, planning commission, hearing examiner, or the legislative body engaged in any review or approval procedure under the provisions of this title. Reviewing official also includes the planning department when engaged in accepting applications and determining completeness.

"Right-of-way" means land in which the state, county or city owns fee simple title or has an easement dedicated for a transportation or utility use.

*RV Park.* See "campground." (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 208, 2004.)

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## S.

"School" means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, intermediate, junior high and high schools, but does not include vocational schools.

*School, Vocational.* "Vocational school" means the commercial use of a structure or land for teaching the arts, crafts, or trades.

"Second hand store" means a retail business that primarily sells used goods such as clothing, household items, books, furniture, appliances and other merchandise not generally considered to be antiques. Also see "antique store."

"Service station with mini-mart" means a facility which combines elements of a convenience store and a gas station. Convenience food items are sold in addition to gasoline and other car products; gas pumps are primarily or completely self-service; does not include minor repair services.

"Service station without mini-mart" means a facility to supply motor fuel and other petroleum products to motor vehicles, including lubrication, and may provide minor repair service and incidental sales of motor vehicle accessories.

"Setback" means the minimum horizontal distance required from the property line to the wall line of a building or structure, except where otherwise specified by this title.

"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee or fewer than 30 consecutive nights.

"Sight screen" means a continuous wall, fence, or hedge or combination thereof which obscures vision through eighty percent or more of the screened area.

*Sign.* See specific sign definitions in Chapter [10.38](#).

"Sign manufacturing and assembly" means the design, manufacturing, and assembly of metal-cased, thermo-formed, wooden, stone, neon, internally lit, or electronic signs.

"Single-family zones" means those zones where single-family detached residences are the predominant land use.

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"Social card room" means a commercial facility, or a portion thereof, open to the general public, in which house-banked social card games are played, as that term is defined by RCW [9.46.0282](#) (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW [9.46.070](#) (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.

"Solid waste drop box site" means a location for the placement of a drop box facility for disposal of solid waste and recyclable materials.

"Solid waste transfer station" means a permanent, fixed location for the disposal of solid waste and recyclable materials for transport to a waste handling facility.

*Storage Facilities, Bulk.* "Bulk storage facilities" means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking or storage, automotive wrecking/dismantling yards, vehicle sales lots, or agriculturally related industry.

*Storage Facilities, Commercial.* "Commercial storage facilities" means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.

*Storage Facilities, Self-Service.* "Self-service storage facilities" means a commercial facility containing compartmentalized stalls, lockers, or screened outside area designed or used exclusively for storing personal property and/or recreational vehicles with no commercial storage authorized.

*Story, Building.* "Building story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it then the space between such floor and the ceiling next above it shall be considered a story.

"Street" means a public or private right-of-way which affords principal means of access to abutting property.

"Structural alterations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in the roof or exterior lines or configuration of a structure if such change results in the enlargement of the structure.

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"Structurally dependent" means sharing a common or party wall for not less than fifty percent of the length of the common wall. A breezeway is not a common wall.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences six feet or less in height. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 209, 2004.)

## **T.**

"Tavern or bar" means an establishment providing or dispensing, primarily for on-site consumption, beer, vinous or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be secondary to the serving of the aforementioned beverages.

"Technical equipment sales" means the sale of medical, dental, fire suppression, restaurant equipment, etc.

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

"Tiny house" and "tiny house with wheels" mean a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking and sanitation built in accordance with the state building code.

"Tiny house communities" means real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing the binding site plan process in RCW 58.17.030/SMC Ch 10.50.014.

"Towing services" means a service to haul or tow vehicles for service, repair or temporary storage. Any facility, except for wrecking yards, storing a vehicle for five or more days shall be considered a "vehicle storage facility."

"Transportation brokerage offices" means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 210, 2004.)

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## U.

"Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.

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

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

"Urban growth area" (UGA) means the city of Selah urban growth area designated by the board of Yakima County commissioners for urban growth. The Selah UGA is depicted within the comprehensive plan.

"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

*Use, Class 1, 2, 3. See "Class 1, 2, 3 use."*

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"Utility services" means electric substations, gas metering stations, sewer lift stations, telephone and communications relay or switching stations, municipal/public water works (including pumping stations and reservoirs), power booster or conversion plants, and similar utility facilities, all with their necessary buildings, apparatus or appurtenances thereto. For purposes of this title, "utility services" does not include local transmission and collection lines, pipes, conductors, or utilities located underground. Utility services are not subject to the minimum lot size requirements of the zoning district in which they are located (except as required for domestic water, sewage disposal and soil percolation rates); provided, that they meet all other requirements of the zoning district in which they are located. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 211, 2004.)

## **V.**

"Variance" means a modification of the specific regulations of this title in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. See Chapter [10.30](#).

"Vehicle storage" means keeping vehicles on a given site that are not actively used by the principal occupants of the site. Does not include automotive wrecking/dismantling yards or vehicle sales lots.

"Very low-income household" means a single person, family or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the house hold is located, as reported by the United States department of housing and urban development.

## **W.**

"Waste material processing and junk handling" means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled, and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials.

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"Wastewater spray field" means a field that is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. The application of agricultural waste or treated sewage at agronomic rates for soil enhancement or fertilizer purposes is excluded from this definition. Also see "agriculture."

"Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

"Wholesale trade" means those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.

"Wineries/breweries" means a winery or brewery for processing and manufacturing purposes only, with limited wholesale trade incidental to the primary use. Wineries and breweries are categorized as follows:

- (1) "Basic" does not have a commercial tasting room or restaurant;
- (2) "Resort/destination" has either a commercial tasting room or restaurant. This type of winery or brewery is located on a site larger than five acres in size. It could typically be associated or compatible with: high density residential, resort lodging, or a bed and breakfast;
- (3) "Retail" has either a commercial tasting room or restaurant. (Ord. 2065, § 2 (Exh. A), 2019; Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 213, 2004.)

## **Y.**

"Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward. Eaves shall not be considered an obstruction. The maximum projection of eaves, and

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similar projections, shall not exceed two feet measured from the vertical plane of the exterior wall into the required yard.

*Yard, Front.* "Front yard" means a yard extending across the full width of the lot, having at no point less than the minimum required horizontal distance between the front lot line and the closest permissible location of a structure. The distance shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on an official plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

*Yard, Rear.* "Rear yard" means a yard extending across the full width of the lot having not less than the minimum required horizontal distance between the rear property line and the closest permissible location of a structure. The distance shall be measured by a line at right angles to the rear property line, or by the radial line in the case of a curved rear lot line.

*Yard, Rear Line of the Required Front.* "Rear line of the required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

"Yard sale" means a temporary event for the sale of surplus or unwanted items as an accessory use to a residence or business, in which the event does not exceed three days in duration or occur more than twice per calendar year. A yard sale is considered to be occurring whenever goods are on display with the clear intent for public viewing and purchase, and/or there is a sign that announces or publicizes a yard sale. The term "yard sale" includes garage sales, patio sales, estate sales, and moving sales. "Yard sales" do not include flea markets, junkyards, second hand stores, auction houses, and other sale events not meeting the terms of this definition.

*Yard, Side.* "Side yard" means a yard between a building and the side lot lines extending the full depth of the lot from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear lot line, the width of which side yard shall be measured horizontally from and at right angles to the closest permissible location of a structure. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 214, 2004.)

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**Z.**

"Zero lot line" means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.

"Zoning district" means a mapped area within the incorporated area of the city of Selah in which certain uses of land and structures are permitted, conditionally permitted and certain land uses are prohibited, and within which a uniform set of regulations apply, as set forth within this title (synonymous with "zone"). (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 215, 2004.)

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