

**CITY OF WHITE SALMON
ORDINANCE 2022-02-1094**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE CHAPTER
17.08 DEFINITIONS**

WHEREAS, the City previously adopted White Salmon Municipal Code Chapter 5.02 Short-term Rentals in 2019; and

WHEREAS, the City heard concerns about short-term rentals in the city and their impact on the livability in neighborhoods where short-term rentals are located and the impact on housing in White Salmon; and

WHEREAS, the City adopted a moratorium on short-term rentals in 2021 and extended that moratorium February 2, 2022 in order to consider amendments to the city's codes regarding short-term rentals; and

WHEREAS, the City Council and Planning Commission have held three public hearings (October 27, 2021; December 1, 2021; and January 5, 2022) to hear comments on proposed amendments to White Salmon Municipal Code related to short-term rentals; and

WHEREAS, the City feels it is necessary to adopt amendments to White Salmon Municipal Code Chapter 17.08 Definitions that relate to short-term rentals; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE
SALMON DO ORDAIN AS FOLLOWS:**

SECTION 1. White Salmon Municipal Code Chapter 17.08 Definitions, is hereby amended as follows:

Key: ~~**Bold and Strike through**~~ means repealed. **Bold and underline** means new.

Chapter 17.08 Definitions

17.08.010 Interpretation of language.

For the purpose of this title, certain terms are defined in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "person" may be taken for persons, associations, firms, co-partnerships or corporations; the word "structure" includes building; the word "occupied" includes premises designated or intended to be occupied; the word "used" includes designated or intended to be used; and the word "shall" is always mandatory and not merely directive.

17.08.015 Abut and abutting.

"Abut and abutting", unless otherwise specified in this chapter for specific purposes, means an area of land or a building that is directly adjacent to or has a common boundary with the land or building at issue.

17.08.020 Accessory dwelling unit.

"Accessory dwelling unit" (ADU) means a habitable living unit added to, created within, or detached from the principal single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

17.08.030 Accessory use or structure.

"Accessory use or structure" means a use or structure which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the principal use of a building.

17.08.040 Adult boarding homes.

"Adult boarding homes" means any home or other institution which is licensed to operate and provide board and domiciliary care to seven or more persons, not related by blood or marriage to the operator, as defined in RCW Chapter 18.20.020.

17.08.050 Alley.

"Alley" means a public right-of-way not over thirty feet wide which affords, generally, a secondary means of access to abutting lots, not intended for general use.

17.08.060 Apartment house.

"Apartment house" means a building or portion thereof used or intended to be used as a residential unit for long-term rent or lease of thirty days or more with three or more families or householders living independently of each other.

17.08.070 Basement.

"Basement" means a portion of a building included between a floor, with its level four feet or more below the level from which the height of the building is measured and the ceiling next above such floor; provided, that the floor of said basement is located an average of four feet below finish grade at the building face with no portion of the basement being more than eight

feet above finish grade. A basement is not to be considered a story for purposes of height determination.

17.08.080 Bed and breakfast.

"Bed and breakfast" means an establishment in a residential district that contains up to five guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen consecutive days per month.

17.08.090 Billboard.

"Billboard" means an outdoor advertising sign, being any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and the occupation of the user, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon.

17.08.100 Building.

"Building" means any structure, permanent, mobile, demountable or movable, built or used for the support, shelter or enclosure of any persons, animals, goods, equipment, or chattels and property of any kind.

17.08.110 Building line.

"Building line" means a line parallel with the property line located on the inside border of the required yard.

17.08.120 Bulk plant.

"Bulk plant" means an establishment where flammable liquids are received by tank vessel, pipelines, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

17.08.130 Clinic.

"Clinic" means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for outpatients only.

17.08.140 Commercial recreation.

"Commercial recreation" means the provision of recreation-related products or services by private enterprise for a fee.

17.08.150 Comprehensive plan.

"Comprehensive plan" means a generalized coordinated land use policy statement of the city that is adopted by the city.

17.08.160 Condominium unit.

"Condominium unit" means one of a group of housing units where each homeowner owns their individual unit space, and all dwellings typically share ownership of areas of common use. Individual units normally do but are not required to share common walls. A condominium project limits the individual ownership to that of the units rather than dividing the ownership of a

parcel of land by subdivision or short subdivision. All or most of the land in the project is owned in common by all the homeowners. The maintenance responsibility for common land and amenities is managed by an association established by the declaration or bylaws and supported by dues paid by owners of the individual units. Each owner pays taxes on their individual condominium unit and is free to sell at will. The exterior walls and roof of units are typically insured by the condominium association, while all interior walls and items are typically insured by the individual owner. Zoning regulations, standards, and criteria are applicable to condominium development. In addition to required compliance with RCW Chapter 64.34, Condominium Act, and all other state and federal regulations, a condominium project must comply with all land use and environmental review. Maximum dwelling unit densities, all standards applicable to specified housing and structure types, and all site and street standards are applied to proposed condominium projects through the site plan review process and approval of a binding site plan is required prior to development of any condominium project regardless of the need or lack of need to subdivide the land.

17.08.170 Council.

"Council" means the city council.

17.08.180 Day care center.

"Day care center" is a duly licensed day care provider which accommodates more than five children and less than thirteen children in the provider's home.

17.08.190 Density provisions.

"Density provisions" mean requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area through standards which include yards, height, bulk, lot area, lot coverage, and occupancy limitations.

17.08.200 Director of planning.

"Director of planning" means the person designated by the city council, who is charged with the responsibility of administering the zoning ordinance in terms of the comprehensive plan and in accordance with the decisions of the planning commission, the board of adjustment and the city council.

17.08.210 District or zone.

"District" or "zone" means a section or district of the city within which standards governing the use of the buildings and premises are uniform.

17.08.220 Duplex.

"Duplex" means a two-family structure with a common roof.

17.08.230 Dwelling.

"Dwelling" means a building or portion thereof providing complete housekeeping facilities for one family.

17.08.240 Dwelling group.

"Dwelling group" means and shall consist of three or more detached dwelling structures located on the same lot.

17.08.250 Dwelling unit.

"Dwelling unit" means one or more rooms in a building designed for occupancy by one family for living and sleeping purposes and having not more than one kitchen. **For the purposes of hosted homeshares and vacation home rentals a dwelling unit is defined in WSMC 5.02.010.C.**

17.08.260 Exception.

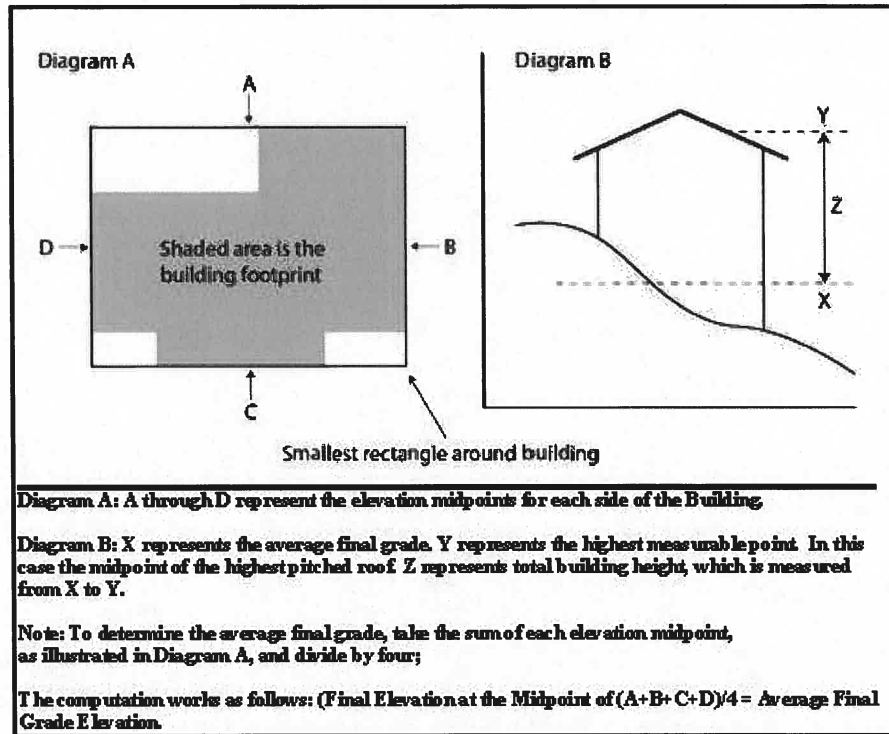
"Exception" means a use permitted only after review of an application therefor by the board of adjustment, rather than administrative officials.

17.08.270 Family.

"Family" means a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, board or lodging house.

17.08.280 Height of building.

- A. "Height of building" 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 ridge of a pitched or hipped roof. The reference datum shall be calculated as follows:
1. Determine the smallest rectangle as illustrated in Diagram A that encompasses all four corners of the proposed building pad (includes covered decks and covered porches) at final grade.
 2. Determine the relative elevation at all four corners of the rectangle as illustrated in Diagram B below.
 3. Determine the reference datum elevation using the diagram instructions below.
 4. Flat roofs and roofs greater than 6-12 pitch angle will be measured from the highest point.
- B. The height of a stepped or terraced building is the maximum height of any segment of the building.



17.08.290 Home occupation.

"Home occupation" means an operation of a personal business within a dwelling or accessory buildings by a member or members of a family residing therein. A home occupation is not a client-patronage office or the principal place of call for the business operation.

- A. Only persons residing on the premises may be engaged in the home occupation.
- B. There shall be no outside displays of merchandise.
- C. The home occupation shall not affect the outside appearance as a residence. Business shall be conducted in such a manner as to give no outward appearance nor manifest any characteristic of a business that would infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.
- D. Business signs shall be permitted as per Sign Ordinance, Chapter 15.12 of this code.

17.08.295 Hosted homeshare.

"Hosted homeshare" means the short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) on the property of the licensee's primary address, where the licensee is present during rental periods.

17.08.300 Hotel.

"Hotel" means a commercial property on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A hotel generally consists of a lobby, rented units that are entered from the inside of the building, has a minimum of seven rental units, on-site staff, and a transient lodging license as issued and administered by the Washington State Department of Health. A hotel is not a short-term rental.

17.08.310 Junkyard.

"Junkyard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house-wrecking yards, used-lumber yards, and yards for the use of salvaged house-wrecking and structural steel materials and equipment.

17.08.315 Legacy short-term rental.

"Legacy short-term rental" means a permitted short-term rental within a residential zone which is nonconforming to current short-term rental regulations, but which was in existence and legally operating prior to the enactment of present regulations. Legacy permits may continue to operate until such time that the permit holder fails to renew the permit or until such time that the legacy period has expired in accordance with the provisions of WSMC 17.57.060. Vested short-term rental permits within a commercial zone are not subject to the legacy period limits described in WSMC 17.57.060.

17.08.320 Lot.

"Lot" means a parcel of land, under one ownership, used or capable of being used under the regulations of this title, including both the building site and all required yards and other open spaces.

17.08.330 Lot coverage.

"Lot coverage" means that portion of a lot that is occupied by the principal building and its accessory building(s), expressed as a percentage of the total lot area. It shall include all projections except eaves.

17.08.340 Lot depth.

"Lot depth" means the horizontal distance between the front and rear lot lines.

17.08.350 Lot width.

"Lot width" means the distance between side lot lines, measured at the front yard building line; in case of irregular-shaped lots, the lot shall be measured at a point midway between the front and rear lot lines.

17.08.360 Major thoroughfares.

"Major thoroughfares" means primary and secondary arterials and state highways, as shown on the comprehensive plan.

17.08.370 Manufacture.

"Manufacture" means the converting of raw, unfinished materials or products, or any or either of them, into an article or articles or substance of a different character, or for use for a different character, or for use as a different purpose.

17.08.380 Manufactured home.

"Manufactured home" means a single-family dwelling built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code; and complying with the standards as designated on the data plate (HUD and L&I certification requirements) and with all the provisions of the in effect at the time of its construction. A manufacture home also

- Includes plumbing, electrical systems and HVAC;
- Has exterior siding similar in appearance to that used in recently constructed single-family dwellings;
- Has a roof constructed of composition, wood shake or shingle coated metal or similar material;
- Is built on a permanent chassis; and
- Can be transported in one or more section.

17.08.390 Mobile home.

"Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and thirty-two or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries, commonly referred to as a single wide.

17.08.400 Mobile home park.

"Mobile home park" means any property used for the accommodation of inhabited manufactured or mobile homes, which are rented or held out for a period of no less than thirty days for rent to others for the primary purpose of production of income.

17.08.410 Modular home.

"Modular home" means housing units that are built off-site in accordance with applicable building codes and bearing the appropriate insignia indicating such compliance, and shipped by truck or other conveyance to the building site, where the home is assembled on a permanent foundation.

17.08.420 Motel.

"Motel" means a commercial property with a single or multiple buildings on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A motel shall consist of on-call staff located on the same premises. Rented units are entered from the outside of the building; the facility has a minimum of five rental units and a transient lodging license as issued and administered by the Washington State Department of Health. A motel is not a short-term rental.

17.08.430 Multiple-family residence.

"Multiple-family residence" means a building arranged to be occupied by more than two families.

17.08.440 Net area—Net development area.

"Net area" or "net development area," means the total usable area, exclusive of space dedicated to such things as streets, easements and uses out of character with the principal uses. The net area is used to compute density equivalents where applicable in this title.

17.08.450 Nonconforming building or structure.

"Nonconforming building or structure" means a building, structure or portion thereof that was legally in existence, either constructed or altered at the time of passage of the ordinance or amendments thereto, which does not conform with this title or amendments thereto.

17.08.460 Nonconforming use.

"Nonconforming use" means a use or an activity involving a building or land occupied or in existence at the effective date of the ordinance codified in this title, or at the time of any amendments thereto, which does not conform to the standards of the zoning district in which it is located.

17.08.470 Nursing home.

"Nursing home" means any home, place or institution which operates or maintains facilities providing care for convalescent or chronically ill persons or both for a period longer than twenty-four consecutive hours for three or more persons, not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to properly care for themselves.

17.08.480 Off-street parking space.

"Off-street parking space" means a permanently surfaced area not situated within a public right-of-way for the parking of a motor vehicle.

17.08.490 Place of public assembly.

"Place of public assembly" means auditoriums, spectator sporting venues, arcades, public plazas, courtrooms, large lecture halls, outdoor stadiums, museums, accessory conference rooms, food courts, or public rooftop terraces; similar uses may be allowed at the discretion of the city council.

17.08.500 Principal uses permitted outright.

"Principal uses permitted outright" means uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional exception, or variance; provided, that such use is in accordance with requirements of a particular district and general conditions stated elsewhere in this title.

17.08.510 Prohibited uses.

"Prohibited uses" means any use which is not specifically enumerated or interpreted as allowable in that district.

17.08.520 Service station.

"Service station" means a retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the washing, lubrication and minor repair of automotive vehicles.

17.08.530 Short-term rental.

"Short-term rental" means a ~~residential~~ lodging use per WSMC Ch. 5.02 and Ch. 17.57, that is not a hotel or motel or bed and breakfast in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by the ~~residence~~ property owner or operator for a fee for fewer than thirty consecutive nights.

17.08.540 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, then the space between such floor and the ceiling next above it.

"First story" means any floor not over four and one-half feet above average pre-development (natural) ground level at the front line of the building.

17.08.550 Story, half.

"Half-story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

17.08.560 Street.

"Street" means a public way which affords a primary means of access to property.

17.08.570 Tiny house.

"Tiny house" and "tiny house with wheels" means 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 and constructed in accordance with WAC 51-51-60104 and does not have an interior habitable area greater than four hundred square feet excluding sleeping lofts.

17.08.580 Tourist facilities.

"Tourist facilities" means, as used in the chapter, amenities for tourists or visitors. Tourist facilities do not include lodging.

17.08.590 Townhouse.

"Townhouse" means a single-family dwelling unit constructed as one of two or more attached units separated by property lines at common walls with open space on at least two sides.

17.08.600 Townhouse building.

"Townhouse building" means a structure which is comprised of two or more townhouses.

17.08.610 Use.

"Use" means an activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

17.08.615 Vacation home rental.

"Vacation home rental" means the short-term rental of an entire primary dwelling unit in allowed residential zones. This does not include accessory dwelling units (ADUs) which are permitted under the "hosted homeshare" definition.

17.08.620 Variance.

"Variance" means a modification of the regulations of this title, when authorized by the board of adjustment after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

17.08.630 Vicinity.

"Vicinity" means the area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke, or similar influences.

17.08.640 Yards.

"Yards" means land, unoccupied or unobstructed from the ground upward, except for such encroachments as may be permitted by this title, surrounding a building site.

17.08.650 Yard, front.

"Front yard" means an open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line.

17.08.660 Yard, rear.

"Rear yard" means an open space on the same line with the building, between the rear line of the building (exclusive of steps, porches and accessory buildings other than garages or workshops addressed in underlying zone) and the rear line of the lot.

17.08.670 Yard, side.

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

17.08.680 Zone.

"Zone" means a specific area or district designated on the official interim zoning map. Such area is subject to all the regulations applicable to the zone contained in this title.

17.08.690 Zoning.

"Zoning" means the regulation of the use of lands, or the manner of construction related thereto, in the interest of achieving public benefit, protecting public welfare, maintaining compatibility between uses, while providing for orderly growth and development, that supports a comprehensive plan for development. Public lands are zoned as such on the city zoning map. Use of public land for public and quasi-public land uses and buildings providing for proprietary-type services shall be required to comply with applicable provisions of the zoning ordinance. Users of public land for governmental activities are encouraged to understand applicable land use regulations and to cooperate under these regulations in order to secure harmonious development.

17.08.700 Zoning lot.

"Zoning lot" means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width. A "zoning lot" need not necessarily coincide with the "record lot," which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county.

17.08.710 Zone transition lot.

"Zone transition lot" means a parcel of land abutting a district boundary where the district boundary is not a street.

SECTION 2 – SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect March 1, 2022 following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 16th
day of February, 2022.



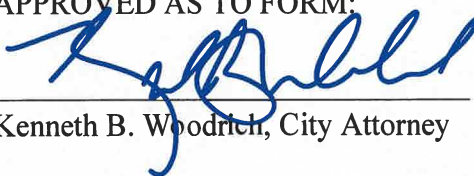
Marla Keethler, Mayor

ATTEST:



Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney