

**CITY OF WHITE SALMON
ORDINANCE NO. 2012-11-905**

AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AMENDING CHAPTER 17 TO CREATE A NEW SECTION 17.23, RL RESIDENTIAL LARGE LOT ZONE, 17.64 ACCESSORY DWELLING UNIT OVERLAY ZONE, SECTION 17.73 COTTAGE INFILL, AND SECTION 17.75 RESIDENTIAL PLANNED UNIT DEVELOPMENT, AND SECTION 17.81 SITE AND BUILDING PLAN REVIEW, REPEALING PRIOR ZONING DESIGNATIONS AND STANDARDS AND IMPLEMENTING NEW ZONING PROVISIONS, INCLUDING SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of White Salmon ("City") acknowledges the need to update zoning regulations in the City and include a new zoning designation for large lot residential uses, and

WHEREAS, the City wishes to adopt the following ordinance to implement new and restated zoning designations within the City for the protection of the health and safety of the residents and the environment.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS: that the following amendments be made to White Salmon Municipal Code Chapter 17, creating a new sections 17.23, 17.64, 17.73, 17.75 and 17.81:

The City hereby repeals WSMC Title 17 with the exception of Chapter 17.48-C2 Commercial Zone in its entirety and adopts the following to be codified as WSMC Title 17 retaining the current text in Chapter 17.48:

Key: Added
~~Deleted~~

Title 17 - ZONING

Chapters:

- Chapter 17.04 - GENERAL PROVISIONS
- Chapter 17.08 - DEFINITIONS
- Chapter 17.12 - ~~ADMINISTRATION AND ENFORCEMENT~~ PURPOSE AND AUTHORITY
- Chapter 17.16 - USE DISTRICTS AND BOUNDARIES
- Chapter 17.23 - RL SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICT
- Chapter 17.24 - R1 SINGLE-FAMILY RESIDENTIAL DISTRICT
- Chapter 17.28 - R2 TWO-FAMILY RESIDENTIAL DISTRICT
- Chapter 17.32 - R3 MULTIFAMILY RESIDENTIAL DISTRICT
- Chapter 17.36 - MHR MOBILE HOME RESIDENTIAL DISTRICT
- Chapter 17.40 - CONDITIONAL USES IN RESIDENTIAL DISTRICTS
- ~~Chapter 17.44 - C1 LOCAL COMMERCIAL DISTRICTS~~

Chapter 17.48 - C2 GENERAL COMMERCIAL DISTRICTS
Chapter 17.50 - RD RIVERFRONTAGE DISTRICT
~~Chapter 17.52 - M1 LIGHT INDUSTRIAL DISTRICTS~~
~~Chapter 17.56 - M2 HEAVY INDUSTRIAL DISTRICTS~~
~~Chapter 17.60 - CRITICAL AREAS~~
[Chapter 17.64 - ACCESSORY DWELLING UNIT OVERLAY ZONE](#)
~~Chapter 17.66 - SLOPE HAZARD OVERLAY ZONE~~
~~Chapter 17.67 - WETLANDS AND WETLAND BUFFERS~~
Chapter 17.68 - DESIGN AND USE STANDARDS
Chapter 17.72 - OFF-STREET PARKING AND LOADING
[Chapter 17.73 - COTTAGE INFILL](#)
Chapter 17.74 - MIXED USE PLANNED UNIT DEVELOPMENT ([MU-PUD](#))
[Chapter 17.75 - RESIDENTIAL PLANNED UNIT DEVELOPMENT \(R-PUD\)](#)
Chapter 17.76 - NONCONFORMING USES
Chapter 17.78 - WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES
Chapter 17.80 - CONDITIONAL USES, VARIANCES, APPEALS AND SITE PLAN REVIEW
[Chapter 17.81 - SITE AND BUILDING PLAN REVIEW](#)
~~Chapter 17.84 - AMENDMENTS~~
Chapter 17.88 - [AMENDMENTS AND REZONING PROCEDURES](#)
Chapter 17.92 - VIOLATIONS AND PENALTIES

Chapter 17.04 - GENERAL PROVISIONS

Sections:

[17.04.010 - Title for citation.](#)
[17.04.020 - Intent of provisions.](#)
[17.04.040 - Public welfare criteria.](#)
[17.04.050 - Standards as minimum requirements.](#)
[17.04.060 - Map and land use-Effect.](#)
[17.04.070 - Contents and interpretation of provisions.](#)

17.04.010 - Title for citation.

The ordinance codified in Title 17 of this code shall be known and cited as the "Zoning Ordinance for the City of White Salmon."

17.04.020 - Intent of provisions.

It is the intent of the city council to provide uniform, equitable and reasonable standards to govern the usage of land and structures in the interest of [preventing conflicts arising from incompatible land uses, preserving the environmental quality and values of the city's unique setting and to otherwise promote](#) the public health, safety and general welfare.

17.04.040 - Public welfare criteria.

A. Since the general welfare of the public is superior in importance to the pecuniary profits of the individual, this title may:

1. Limit the use of property;
2. Cause depreciation of property value; or
3. Prevent a vested right.

B. Also, if some reasonable use of the property is allowed by this title, the effect is not confiscatory, and is proper exercise of police power.

17.04.050 - Standards as minimum requirements.

Standards provided by this title for particular districts and circumstances are determined to be the minimum requirements in the public interest of health, safety and general welfare to achieve the objectives of the comprehensive plan.

[Hereafter no building or structure shall be erected, reconstructed, altered, enlarged or relocated, and no building, structure or premise shall be used in any zone except in compliance with the provisions of this title and then only after securing all required permits.](#)

17.04.060 - Map and land use-Effect.

[The provisions of this title shall apply only to those areas covered by the official zoning map of the City of White Salmon.](#) The zoning map adopted for the city is an official map and land use policy to control and direct the use and development of property in the municipality territory by dividing it comprehensively into districts according to the present and potential use of the properties.

17.04.070 - Contents and interpretation of provisions.

This title shall consist of the text hereof, and that certain map or maps identified by the approving signature of the mayor, city clerk-treasurer and city attorney, and marked and designated as "Zoning Map, White Salmon, Washington," which map is placed on file in the office of the city clerk-treasurer, county auditor and others. The map has heretofore been examined and duly considered in detail by the city council, and is adopted as part of this title. The ordinance codified in this title, and each and all of its terms and mapped details, is to read and be interpreted in the light of the contents of such maps and their relationship to the comprehensive plan. If any conflict between the map and the text of this title is deemed to arise, the text of the title shall prevail.

~~**17.04.080 – Applicability of Shoreline Management Act of 1971.**~~

~~*Shoreline areas and their associated wetlands within the City of White Salmon are subject to the standards and procedures of the Shoreline Management Act of 1971, RCW Chapter 90.57, and any subsequent regulations which the city shall adopt pursuant to that title.*~~

17.04.090 - Review and filing fees.

Review and filing fees are set by Ordinance in Title 3 Chapter 3.36 of the White Salmon Municipal Code.

Chapter 17.08 - DEFINITIONS

Sections:

- [17.08.010 - Interpretation of language.](#)
- [17.08.015 – Accessory dwelling unit.](#)
- [17.08.020 - Accessory use or structure.](#)
- [17.08.025 – Adult boarding homes](#)
- [17.08.030 - Alley.](#)
- [17.08.040 - Apartment house.](#)
- [17.08.050 - Basement.](#)
- [17.08.055 - Bed and breakfast.](#)
- [17.08.060 - Billboard.](#)
- [17.08.070 - Building.](#)
- [17.08.080 - Building line.](#)
- [17.08.090 - Bulk plant.](#)
- [17.08.100 - Clinic.](#)
- [17.08.110 - Comprehensive plan.](#)
- [17.08.120 - Council.](#)
- [17.08.125 - Day care center.](#)
- [17.08.130 - Density provisions.](#)
- [17.08.140 - Director of planning.](#)
- [17.08.150 - District or zone.](#)
- [17.08.160 - Duplex.](#)
- [17.08.165 - Dwelling](#)
- [17.08.170 - Dwelling group.](#)
- [17.08.180 - Dwelling unit.](#)
- [17.08.190 - Exception.](#)
- [17.08.200 - Family.](#)
- [17.08.220 - Height of building.](#)
- [17.08.230 - Home occupation.](#)
- [17.08.240 - Hotel.](#)
- [17.08.250 - Junkyard.](#)
- [17.08.260 - Lot.](#)
- [17.08.270 - Lot coverage.](#)
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- [17.08.300 - Major thoroughfares.](#)
- [17.08.310 - Manufacture.](#)
- [17.08.320 - Manufactured home.](#)
- [17.08.325 - Mobile home.](#)
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[17.08.340 - Modular home.](#)
[17.08.350 - Multiple-family residence.](#)
[17.08.360 - Net area.](#)
[17.08.365 – Nonconforming building or structure](#)
[17.08.370 - Nonconforming use.](#)
[17.08.375 – Nursing home](#)
[17.08.380 - Off-street parking space.](#)
[17.08.390 - Principal uses permitted outright.](#)
[17.08.400 - Prohibited uses.](#)
[17.08.410 - Service station.](#)
[17.08.420 - Story.](#)
[17.08.430 - Story, half.](#)
[17.08.440 - Street.](#)
[17.08.445 - Townhouse.](#)
[17.08.446 - Townhouse building.](#)
[17.08.450 - Use.](#)
[17.08.460 - Variance.](#)
[17.08.470 - Vicinity.](#)
[17.08.480 - Yards.](#)
[17.08.490 - Yard, front.](#)
[17.08.500 - Yard, rear.](#)
[17.08.510 - Yard, side.](#)
[17.08.515 – Zone.](#)
[17.08.520 - Zoning.](#)
[17.08.530 - Zoning lot.](#)
[17.08.540 - Zone transition lot.](#)

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 – Accessory dwelling unit.

An “accessory dwelling unit” (ADU) is 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.

17.08.020 - Accessory use or structure.

"Accessory use or structure" is one 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.

17.08.025 Adult boarding homes.

[Any home or other institution which is licensed to operate and provide board and domiciliary care to seven \(7\) or more persons, not related by blood or marriage to the operator, as defined in RCW Chapter 18.20.020.](#)

17.08.030 - 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.

17.08.040 - Apartment house.

"Apartment house" means a building or portion thereof used or intended to be used as a home with three or more families or householders living independently of each other.

17.08.050 - 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.

17.08.055 - 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.

17.08.060 - 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.

17.08.070 - 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.

17.08.080 - Building line.

"Building line" means ~~a property line established to govern the placement with respect to building setback to highways, streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivisions platted. In all other cases, the front line shall be according to the comprehensive plan or the determination of the director of planning.~~ a line parallel with the property line located on the inside border of the required yard.

17.08.090 - 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.

17.08.100 - Clinic.

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

17.08.110 - Comprehensive plan.

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

17.08.115 - Condominium unit.

A 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 Chapter 64.34 RCW 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.

17.08.120 - Council.

"Council" means the city council.

17.08.125 - 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.

17.08.130 - 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.

17.08.140 - 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.

17.08.150 - 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.

17.08.160 - Duplex.

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

17.08.165 - Dwelling.

A building or portion thereof providing complete housekeeping facilities for one (1) family.

17.08.170 - Dwelling group.

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

17.08.180 - Dwelling unit.

~~"Dwelling unit" means a family combination with housekeeping and cooking facilities. A "bachelor unit" shall be computed as one-half the size requirement of a family or dwelling unit, providing such units are designed as separate apartments and not merely rooming accommodations, and subject to specific limitations by district. Hotel, motel, room and boarding units shall not be considered dwelling units.~~ "dwelling unit" means one (1) or more rooms in a building designed for occupancy by one (1) family for living and sleeping purposes and having not more than one (1) kitchen.

17.08.190 - Exception.

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

17.08.200 - 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.

17.08.220 - 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 that encompasses all four corners of the proposed building pad (includes covered decks) at original, undisturbed ground elevation.
2. Determine the relative elevation at all four corners of the rectangle above.
3. Add the four corner elevations determined in subsection (A)(2) of this section and divide by four to determine the reference datum elevation.

B. The height of a stepped or terraced building is the maximum height of any segment of the building.

17.08.230 - Home occupation.

~~"Home occupation" means a use customarily carried on within a dwelling by the inhabitants thereof, which use is incidental to the residential use, and not primarily considered a business. An operation of a personal business within a dwelling or accessory buildings by a member or members of a family residing therein.~~ 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.

17.08.240 - Hotel.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, guests who occupy a unit for a short duration visit or stay rather than residing in a unit, establishing a residency, residing at the address and inhabiting the unit subject to a month to month rental or long term lease.

17.08.250 - 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.

17.08.260 - 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.

17.08.270 - 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.

17.08.280 - Lot depth.

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

17.08.290 - 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.

17.08.300 - Major thoroughfares.

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

17.08.310 - 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.

17.08.320 - Manufactured home.

A manufactured home shall be constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- A. Is comprised of at least two fully enclosed parallel sections each of ~~not less than twelve feet wide by thirty six feet long~~ not less than twenty (20) feet in width and is at least nine hundred (900) square feet;
- B. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
- C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences built according to the International Building Code.

A new "manufactured home" means any manufactured home required to be titled under Title 46 RCW, 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).

17.08.325 - 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, a factory built home containing one or more sections and does not meet the requirements of Section 17.68.130 of this title.

17.08.330 - Mobile home park.

"Mobile home park" means any property used for the accommodation of inhabited [manufactured or mobile homes, trailer or mobile home coaches](#), 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.

17.08.340 - 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, usually in large factories](#), and shipped by truck or other conveyance to the building site, [where the home is assembled on a permanent foundation](#).

17.08.350 - Multiple-family residence.

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

17.08.360 - 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.

17.08.365 [Nonconforming building or structure.](#)

[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.](#)

17.08.370 - 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.

17.08.375 [Nursing home.](#)

[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 \(24\) consecutive hours for three \(3\) 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.](#)

17.08.380 - 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.

17.08.390 - 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.

17.08.400 - Prohibited uses.

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

17.08.410 - 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.

17.08.420 - 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.

17.08.430 - 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.

17.08.440 - Street.

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

17.08.445 - 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.

17.08.446 - Townhouse building.

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

17.08.450 - 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.

17.08.460 - 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.

17.08.470 - 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.

17.08.480 - 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.

17.08.490 - 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.

17.08.500 - 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.

17.08.510 - 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.

17.08.515 - Zone. 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.

17.08.520 - Zoning.

~~"Zoning" means the regulation of the use of private lands, or the manner of construction related thereto, in the interest of achieving a comprehensive plan of development. Such regulations shall also govern those public and quasi-public land uses and buildings which provide for proprietary-type services for the community's benefit, as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious development.~~

"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.

17.08.530 - 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.

17.08.540 - Zone transition lot.

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

Chapter 17.12 - ~~ADMINISTRATION AND ENFORCEMENT~~ PURPOSE AND AUTHORITY

Sections:

- [17.12.010 - Provisions as minimum requirements.](#)
- [17.12.020 - Exceptions to applicability.](#)
- [17.12.030 - Interpretations-Planning commission authority.](#)
- [17.12.040 - Zoning administrator.](#)
- [17.12.050 - Official zoning map.](#)
- [17.12.060 - Comprehensive plan.](#)
- [17.12.070 - Permit approval-Enforcement.](#)
- [17.12.080 - Permit and exceptions-Period of validity.](#)
- [17.12.090 - Public hearing requirements.](#)
- [17.12.100 - Recording of restrictions and covenants.](#)
- [17.12.110 - Resolution of conflicting provisions.](#)

17.12.010 - Provisions as minimum requirements.

The provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare; therefore, where this title imposes greater restriction than is imposed or required by other laws, ordinances, rules or regulations, the provisions of this title shall prevail.

17.12.020 - Exceptions to applicability.

Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety and general welfare, depending upon the facts of each particular case, the planning commission shall have limited power to issue special permits for new or unusual uses which are of similar character and not specifically mentioned elsewhere in this title as a permitted use.

17.12.030 - Interpretations-Planning commission authority.

The planning commission may permit, by interpretation, in a zoning district any use not described in this title, not a prohibited use, or not expressly allowed in a less-restrictive district, and deem it to be in general keeping with the uses authorized in such district. A record shall be kept of such interpretations to facilitate equitable future administration and to permit periodic amendments to this title.

17.12.040 - Zoning administrator.

The city shall appoint one city staff member as the zoning administrator to effectuate the administration of this title, and the enforcement procedures shall be vested with the city; the city shall have ultimate and final jurisdiction and autonomy so far as all enforcement procedures under this title are concerned.

17.12.050 - Official zoning map.

It shall be the duty of the planning commission to interpret the provisions of this title in such a way as to carry out the intent and purpose of the official zoning plan, as shown by the zoning map on file in the office of the city clerk-treasurer, county auditor and other offices. [When uncertainty exists as to the boundaries as shown on the official zoning map, the Planning Commission shall interpret the zone boundaries.](#)

17.12.060 - Comprehensive plan.

It shall be the duty of the planning commission, board of adjustment and city council to interpret and/or administer the provisions of this title in such a way as to carry out the intent and purpose of the long-range comprehensive plan prepared by the planning commission, as required by RCW Chapter 35.63, and adopted by the city council.

17.12.070 - Permit approval-Enforcement.

It shall be the duty of the zoning administrator to see that this title is enforced through the proper legal channels. He shall approve no permit for the construction or alteration of any building or part thereof unless the plans, specifications and intended use of such building conform in all respects with the provisions of this title.

17.12.080 - Permit and exceptions-Period of validity.

Whenever any permit or exception is issued pursuant to the provisions of this title, such permit or exception shall remain effective only for one full calendar year, unless the use allowed is begun within that time. If not in use, or if related construction is not undertaken within six months, the authorized use shall become invalid, and the principal uses permitted outright in the district shall prevail; provided, that two extension periods of up to one year be granted upon proof of need and if timely application therefor is made to the zoning administrator [prior to expiration of the permit](#). Approval of an extension request is not guaranteed. Prior to granting an extension of a permit approval applicable regulations shall be evaluated to determine whether applicable provisions have been significantly altered since the original approval was issued. Significant change in adopted regulation may be considered grounds for denial of an extension request.

~~17.12.090 - Public hearing requirements.~~

~~Whenever a public hearing is required by this title, no less than three notices thereof shall be posted by the zoning administrator in conspicuous places and/or adjacent to the tract, lot or other land or building area affected. Written notices shall be mailed to adjacent landowners of record, or others likely to be affected. Such notices shall state the time and place of such hearing and the nature of the question to be heard, and shall be posted not less than fourteen days prior to the date of hearing. Notices shall be sent to owners of record of all property owners within a distance of three hundred feet, of all property which is the subject of the public hearing. Notices may also be sent to other property owners who might be affected. In addition to a list of landowners of record, the applicant shall supply any other data required by the planning director. A request involving a public hearing will require a check in the amount to be determined by city council, nonrefundable and payable to the city, to cover costs incurred in connection with the posting and mailing of notices.~~

17.12.100 - Recording of restrictions and covenants.

To insure that perpetuation of any and all conditions of the special permit or exception authorized, the owner and/or owners of the property affected shall execute a declaration of restrictions and covenants to be duly recorded, covering such property. The requirements may not be relaxed without a rehearing. The covenant is waived and terminated at such time as the use is abandoned, as to any duties not yet due to be performed under the covenant at the time of abandonment of use. Also, any permits or rights granted on the basis of a conditional use permit is terminated when the use is abandoned.

17.12.110 - Resolution of conflicting provisions.

In the event of a conflict of provisions in this title, the most restrictive requirements shall prevail.

Chapter 17.16 - USE DISTRICTS AND BOUNDARIES

Sections:

[17.16.010 - Use districts designated.](#)

[17.16.020 - Boundaries of districts.](#)

[17.16.030 - Boundaries dividing property in single ownership.](#)

17.16.010 - Use districts designated.

To effectuate the comprehensive plan adopted by the city council and amended from time to time, lands within the incorporated territory of the city are classified into the following categories on the zoning map:

District	Map Symbol
Single-family large lot residential	RL
Single-family residential district	R1
Two-family residential district	R2
Multifamily residential district	R3
Mobile home residential district	MHR
Local commercial district	C1
General commercial district	C2 C
Light industrial district	M1
Heavy industrial district	M2
Riverfrontage district	RD

17.16.020 - Boundaries of districts.

- A. The boundaries of the various districts shown on the zoning map are, unless otherwise indicated, streets, alleys, lot lines, section lines, or other lines of demarcation as shown on the map.
- B. Where a street layout, property line or other boundary on the ground varies from that shown on the zoning map, and where property or other boundary lines do not exist or are not shown on the zoning map, the designations shown on the map scale or other method shall be used so as to carry out the intent and purpose of the zoning map in that district.

17.16.030 - Boundaries dividing property in single ownership.

Where a district boundary line, as shown on the zoning map, divides a lot or other unit of property in a single ownership on August 19, 1992, the time of passage of the ordinance codified in this title, the use permitted on the least restrictive portion of the lot may extend to the portion lying in the more restrictive district, a distance of not more than fifty feet beyond the district boundary line.

Chapter 17.23 - RL SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICT

Sections:

- [17.23.010 - Principal uses permitted outright.](#)
- [17.23.020 - Accessory uses.](#)
- [17.23.030 - Conditional use.](#)
- [17.23.040 - Density provisions.](#)
- [17.23.050 - Off-street parking space.](#)
- [17.23.060 - Utility requirements.](#)

17.23.010 - Principal uses permitted outright.

Principal uses permitted outright in the RL district include:

- A. One single-family detached dwelling structure per lot, including manufactured homes, but excluding mobile homes;
- B. Hobby-type gardening and horticultural activities and related structures are permitted, provided they shall be solely for noncommercial purposes. .

17.23.020 - Accessory uses.

Accessory uses permitted in the RL district include:

- A. Uses customarily incidental to a principal use permitted outright, such as private garages, or parking areas for commercial vehicles, but not including any vehicles of over twelve thousand pounds gross weight;
- B. Home occupations; see Section 17.08.230
- C. Nonflashing residential nameplates not exceeding two square feet, bearing only the name and address of the occupant; nonflashing bulletin boards or signs not exceeding sixteen square feet for quasi-public institutional buildings;
- D. Accessory Dwelling Units; subject to ~~Section~~ Chapter 17.64 of this title.
- E. Outdoor parking of fully licensed and operable motor vehicles equal to the number of licensed drivers plus two(2) per household.
- E. Other accessory uses may be authorized by the board of adjustment in this district are those customarily incidental to permitted and conditional uses allowed.

17.23.025 Prohibited uses.

- A. Outside storage of wrecked, dismantled or partially dismantled, inoperable, or unlicensed (vehicle licensing plates and current tabs) and uninsured vehicles.
- B. Use of mobile homes, trailers, motor homes or campers.
- C. Parking or storage of industrial or agriculture vehicles and equipment on lots.
- D. Outside collections of automobile, truck or other motor vehicle parts or paints, fuels, and lubricants.
- E. Outside accumulations of garbage, trash, household goods yard trimmings, or other materials which create a public nuisance or fire hazard.
- F. On premise storage of flammable, toxic, corrosive, or explosive chemicals, gases, or materials other than reasonable amounts of normal household paints, cleaners, solvents, fuels.
- G. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept without approval of the City Council.

17.24.030 - Conditional use.

See Section 17.40.010.

17.23.035 - Property development standards.

A. Dwelling standards:

1. A single-family residential dwelling shall have a minimum floor area of six hundred (600) square feet excluding porches, carports, garages, and basement or other rooms used exclusively for the storage or housing of mechanical or central heating equipment.
2. All single-family dwellings shall be placed on permanent foundations.
3. All dwellings shall be not less than twenty (20) feet in width at the narrowest point of its first story.
4. All manufactured homes must be new on the date of installation and comply with applicable siting standards in Section 17.68.130 - Manufactured home siting standards.
5. Maximum building height shall not exceed twenty eight (28) feet in single-family residential zones.
6. No business signs shall be erected or displayed on residential lots or adjacent street right-of-way buffer strips, except as provided in Sign Ordinance, Chapter 15.12 of this code of this chapter.
7. No contour or existing topography shall be substantially altered by fill, excavation, channeling or other device that would cause flooding, inundation, siltation, or erosion by storm water on adjoining lots, open spaces, or rights-of-way.

B. Accessory use, accessory buildings and garages.

1. Any plumbing and/or sewer facilities in any accessory building or garage shall be subject to International Building Code requirements and limited to the exclusive private use of the residents of the principal building.
2. Sewer stub-out facilities shall not be provided in or adjacent to any garage or accessory building for use within that building unless the building contains an approved ADU as defined above.
3. Garages and all accessory buildings used as studios, workshops or for home occupations shall conform to International Building Code requirements and to the setback requirements for principal buildings except that such structures may be located up to five feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least 15 feet in width.

C. Fences.

1. Fence heights shall not exceed six (6) feet along rear or side lot lines.
2. Fence heights shall not exceed five (5) feet along front lot lines.

3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four (4) feet for the first twenty-five (25) feet from the lot corner to ensure adequate view clearance per Section 17.68.090 .

4. Fences shall not be constructed or kept in any manner which could constitute a safety hazard to the person or property of adjoining landowners or to the general public.

17.23.040 - Density provisions.

Density provisions for the RL district are as follows:

A. Maximum number of primary dwelling structures per lot: one;

B. Maximum height of building: two stories, but not to exceed twenty-eight feet;

C. Minimum area of lot: 20,000 square feet for each single-family structure;

D. Maximum depth of lot: three times lot width; alternate lot depth may be approved for lots with future street plan and shadow platting demonstrating potential access for future further division of proposed large lot division.

E. Minimum width of lot: one hundred twenty five feet; alternate lot width may be approved for lots with future street plan and shadow platting demonstrating potential access for future further division of proposed large lot division.

F. Minimum front yard depth: twenty feet;

G. Minimum side yard width: five feet;

H. Minimum side yard width along flanking street of corner lot: ~~twenty~~ fifteen feet;

I. Minimum rear yard required: ~~twenty~~ fifteen feet. NOTE: accessory structures allowed within rear yards subject to five foot setback from rear lot lines subject to development standards in this zone.

17.23.050 - Off-street parking space.

In the RL district, at least two permanently maintained off-street parking spaces or a private garage shall be on the same lot as the dwelling, or be attached thereto or made a part of the main building. Each parking space shall be not less than ten feet wide and twenty feet long. The size of the garage shall not exceed the size of the dwelling.

17.23.060 - Utility requirements.

In the RL district, all new structures shall be serviced by underground utilities.

Chapter 17.24 - R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

[17.24.010 - Principal uses permitted outright.](#)

[17.24.020 - Accessory uses.](#)

[17.24.030 - Conditional use.](#)

[17.24.040 - Density provisions.](#)

[17.24.050 - Off-street parking space.](#)

[17.24.060 - Utility requirements.](#)

17.24.010 - Principal uses permitted outright.

Principal uses permitted outright in the R1 district include:

- A. One single-family detached dwelling structure per lot, including manufactured homes, but excluding mobile homes;
- B. Hobby-type gardening and horticultural activities and related structures are permitted, provided they shall be solely for noncommercial purposes. .

17.24.020 - Accessory uses.

Accessory uses permitted in the R1 district include:

- A. Uses customarily incidental to a principal use permitted outright, such as private garages, or parking areas for commercial vehicles, but not including any vehicles of over twelve thousand pounds gross weight;
- B. Home occupations; see Section 17.08.230
- C. Nonflashing residential nameplates not exceeding two square feet, bearing only the name and address of the occupant; nonflashing bulletin boards or signs not exceeding sixteen square feet for quasi-public institutional buildings;

[D. Accessory Dwelling Units; subject to conditional use review and Chapter 17.64](#)

[E. ~~Outdoor parking of fully licensed and operable motor vehicles equal to the number of licensed drivers plus two\(2\) per household, provided that no boat or RV with an overall length of more than thirty \(30\) feet shall be stored or parked in the R1 zone without special permission from the City to do so.~~](#)

E. Other accessory uses may be authorized by the board of adjustment in this district are those customarily incidental to permitted and conditional uses allowed.

17.24.025 - Prohibited uses.

[A. Outside storage of wrecked, dismantled or partially dismantled, inoperable, or unlicensed \(vehicle licensing plates and current tabs\) and uninsured vehicles.](#)

- B. Use of mobile homes, trailers, motor homes or campers.
- C. Parking or storage of industrial or agriculture vehicles and equipment on lots.
- D. Outside collections of automobile, truck or other motor vehicle parts or paints, fuels, and lubricants.
- E. Outside accumulations of garbage, trash, household goods yard trimmings, or other materials which create a public nuisance or fire hazard.
- F. On premise storage of flammable, toxic, corrosive, or explosive chemicals, gases, or materials other than reasonable amounts of normal household paints, cleaners, solvents, fuels.
- G. Possession of non-household animals in-cluding, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept unless approved by the City.

17.24.030 - Conditional use.

See Section 17.40.010.

Property development standards.

- A. Dwelling standards:
 - 1. A single-family residential dwelling shall have a minimum floor area of six hundred (600) square feet excluding porches, carports, garages, and basement or other rooms used exclusively for the storage or housing of mechanical or central heating equipment.
 - 2. All single-family dwellings shall be placed on permanent foundations.
 - 3. All dwellings shall be not less than twenty (20) feet in width at the narrowest point of its first story.
 - 4. All manufactured homes must be new on the date of installation and comply with applicable siting standards in Section 17.68.130 .
 - 5. Maximum building height shall not exceed twenty eight (28) feet in single-family residential zones.
 - 6. No business signs shall be erected or displayed on residential lots or adjacent street right-of-way buffer strips, except as provided in Sign Ordinance, Chapter 15.12 of this code. ~~Section 20.16.060 of this chapter.~~
 - 7. No contour or existing topography shall be substantially altered by fill, excavation, channeling or other device that would cause flooding, inundation, siltation, or erosion by storm water on adjoining lots, open spaces, or rights-of-way.
- B. Accessory use, accessory buildings and garages.

1. Any plumbing and/or sewer facilities in any accessory building or garage shall be subject to International Building Code requirements and limited to the exclusive private use of the residents of the principal building.

2. Sewer stub-out facilities shall not be provided in or adjacent to any garage or accessory building for use within that building unless the building contains an approved ADU.

3. Garages and all accessory buildings used as studios, workshops or for home occupations shall conform to International Building Code requirements and to the setback requirements for principal buildings except that such structures may be located up to five feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least 15 feet in width.

C. Fences.

1. Fence heights shall not exceed six (6) feet along rear or side lot lines.

2. Fence heights shall not exceed five (5) feet along front lot lines.

3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four (4) feet for the first twenty-five (25) feet from the lot corner to ensure adequate view clearance per Section 17.68.090.

4. Fences shall not be constructed or kept in any manner which could constitute a safety hazard to the person or property of adjoining landowners or to the general public.

17.24.040 - Density provisions.

Density provisions for the R1 district are as follows:

A. Maximum number of primary dwelling structures per lot: one;

B. Maximum height of building: two stories, but not to exceed twenty-eight feet;

C. Minimum area of lot: five thousand square feet for each single-family structure;

D. Minimum depth of lot: eighty feet;

E. Minimum width of lot: fifty feet;

F. Maximum percentage of lot coverage: fifty percent;

F. Minimum front yard depth: twenty feet;

G. Minimum side yard width: five feet;

H. Minimum side yard width along flanking street of corner lot: ~~twenty~~ fifteen feet;

I. Minimum rear yard required: ~~twenty~~ fifteen feet. NOTE: accessory structures allowed within rear yards subject to five foot setback from rear lot lines subject to development standards in this

[zone.](#)

17.24.050 - Off-street parking space.

In the R1 district, at least two permanently maintained off-street parking spaces or a private garage shall be on the same lot as the dwelling, or be attached thereto or made a part of the main building. Each parking space shall be not less than ten feet wide and twenty feet long. The size of the garage shall not exceed the size of the dwelling.

17.24.060 - Utility requirements.

In the R1 district, all new structures shall be serviced by underground utilities.

Chapter 17.28 - R2 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

[17.28.010 - Principal uses permitted outright.](#)

[17.28.020 - Accessory uses.](#)

[17.28.030 - Conditional uses.](#)

[17.28.040 - Density provisions.](#)

[17.28.050 - Off-street parking space.](#)

[17.28.060 - Utility requirements.](#)

17.28.010 - Principal uses permitted outright.

Principal uses permitted outright in the R2 district include:

- A. Principal uses permitted outright in residential district R1;
- ~~B. One two-family attached dwelling structure (duplex) per lot;~~
- ~~C. Townhouse buildings containing not more than two townhouses; subject to Section 17.68.~~
 - ~~1. Each townhouse building shall contain no more than two townhouses,~~
 - ~~2. Each townhouse in the townhouse project shall have a minimum width of twenty feet,~~
 - ~~3. A common access drive at least sixteen feet wide with a minimum of twelve feet of paved area with one-foot minimum shoulders on either side,~~
 - ~~4. No parking in common access drives. Parking in designated parking areas only,~~

- ~~5.— A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the city engineer and recorded with the plat.~~
- ~~6.— If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a minimum five thousand square foot parcel or to the size of the parcel prior to the townhouse project.~~
- ~~7.— A preliminary plat shall be submitted and approved prior to issuing the building permit.~~
- ~~8.— A post construction survey shall be submitted prior to approval of the final plat. Said survey shall be certified by a surveyor licensed in the state of Washington and shall show all setbacks including common wall location. Each division shall conform to Title 16 of this code.~~
- ~~9.— Where access is provided directly from a street, each townhouse building shall be required to share only one curb cut.~~

17.28.020 - Accessory uses.

Accessory uses in the R2 district include:

- A. Uses customarily incidental to private uses permitted outright, such as private garages or parking areas for non-commercial vehicles only, but not including any business, trade or industry;
- B. Home occupations; see Section 17.08.230
- C. Nonflashing residential nameplates not exceeding two square feet, bearing only the name and address of the occupant; nonflashing bulletin boards or signs not exceeding sixteen square feet for quasi-public institutional buildings;
- D. Accessory Dwelling Units; subject to conditional use review and Chapter 17.64
- E. Outdoor parking of fully licensed and operable motor vehicles equal to the number of licensed drivers plus two(2) per household, provided that no boat or RV with an overall length of more than thirty (30) feet shall be stored or parked in the R2 zone without special permission from the City to do so.
- E. Other accessory uses may be authorized by city council; those customarily incidental to permitted and conditional uses allowed.

17.28.025 - Principal uses permitted subject to site plan review.

- A. One two-family attached dwelling structure (duplex) per lot;
- B. Townhouse buildings containing not more than two townhouses.

Residential developments of duplex or townhouse units are subject to site plan review pursuant to Chapter

17.81, Site and Building Plan Review of this title, in addition to General development guidelines listed in Section 17.28.045.

17.28.030 - Conditional uses.

See Section 17.40.010.

17.28.032 - Prohibited uses.

A. Outside storage of wrecked, dismantled or partially dismantled, inoperable, or unlicensed (vehicle licensing plates and current tabs) and uninsured vehicles.

B. Use of mobile homes, trailers, motor homes or campers.

C. Parking or storage of industrial or agriculture vehicles and equipment on lots.

D. Outside collections of automobile, truck or other motor vehicle parts or paints, fuels, and lubricants.

E. Outside accumulations of garbage, trash, household goods yard trimmings, or other materials which create a public nuisance or fire hazard.

F. On premise storage of flammable, toxic, corrosive, or explosive chemicals, gases, or materials other than reasonable amounts of normal household paints, cleaners, solvents, fuels.

G. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept without City approval.

17.28.034 - Property development standards.

A. Dwelling standards:

1. A single-family residential dwelling shall have a minimum floor area of six hundred (600) square feet excluding porches, carports, garages, and basement or other rooms used exclusively for the storage or housing of mechanical or central heating equipment.

2. All single-family dwellings shall be placed on permanent foundations.

3. All dwellings shall be not less than twenty (20) feet in width at the narrowest point of its first story.

4. All manufactured homes must be new on the date of installation and comply with applicable siting standards in Section 17.68.130.

5. Maximum building height shall not exceed twenty eight (28) feet in residential zones.

6. No business signs shall be erected or displayed on residential lots or adjacent street right-of-way buffer strips, except as provided in Sign Ordinance, Chapter 15.12 of this code ~~Section 20.16.060 of this chapter.~~

7. No contour or existing topography shall be substantially altered by fill, excavation, channeling or other device that would cause flooding, inundation, siltation, or erosion by storm water on adjoining lots, open spaces, or rights-of-way.

B. Accessory use, accessory buildings and garages.

1. Any plumbing and/or sewer facilities in any accessory building or garage shall be subject to International Building Code requirements and limited to the exclusive private use of the residents of the principal building.

2. Sewer stub-out facilities shall not be provided in or adjacent to any garage or accessory building for use within that building unless the building contains an approved ADU.

3. Garages and all accessory buildings used as studios, workshops or for home occupations shall conform to International Building Code requirements and to the setback requirements for principal

buildings except that such structures may be located up to five feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least 15 feet in width.

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C. Fences.

1. Fence heights shall not exceed six (6) feet along rear or side lot lines.
2. Fence heights shall not exceed five (5) feet along front lot lines.
3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four (4) feet for the first twenty-five (25) feet from the lot corner to ensure adequate view clearance per Section 17.68.090.
4. Fences shall not be constructed or kept in any manner which could constitute a safety hazard to the person or property of adjoining landowners or to the general public.

17.28.040 - Density provisions.

Density provisions for the R2 district are as follows:

- A. Maximum number of primary dwelling structures permitted per lot: one;
- ~~B. —Maximum height of building: two stories, but not to exceed twenty-eight feet;~~
- C. Minimum area of lot: five thousand square feet per single-family structure, six thousand feet per two-family structure, three thousand square feet per townhouse;
- D. Minimum depth of lot: eighty feet;
- E. Minimum width of lot: fifty feet; twenty-five feet for townhouses;
- F. Maximum percentage of lot coverage: fifty percent;
- F. Minimum front yard depth: twenty feet;
- G. Minimum side yard width: five feet; zero for townhouse common wall;
- H. Minimum side yard width along flanking street of corner lot: fifteen feet;
- I. Minimum rear yard required: twenty fifteen feet. NOTE: accessory structures allowed within rear yards subject to five foot setback from rear lot lines subject to development standards in this zone.

17.28.050 - Off-street parking space.

In the R2 district, at least two permanently maintained off-street parking spaces or a private garage for two cars for each dwelling unit shall be on the same lot as the two-family dwelling, or be attached thereto or made a part of the main building. Each parking space shall not be less than ten feet wide and twenty feet long. The size of the garage is not to exceed the size of the dwelling.

17.28.060 - Utility requirements.

In the R2 district, all new structures shall be serviced by underground utilities.

Chapter 17.32 - R3 MULTIFAMILY RESIDENTIAL DISTRICT [9]

Sections:

- [17.32.010 - Principal uses permitted outright.](#)
- [17.32.015 - Principal uses permitted subject to site plan review.](#)
- [17.32.020 - Accessory uses.](#)
- [17.32.030 - Conditional uses.](#)
- [17.32.040 - Density provisions.](#)
- [17.32.045 - General development guidelines.](#)
- [17.32.050 - Off-street parking space.](#)
- [17.32.060 - Utility requirements.](#)

17.32.010 - Principal uses permitted outright.

Principal uses permitted outright in the R3 district include:

- A. Principal uses permitted in the R1 and R2 districts [and subject to all development standards applicable to such uses;](#)
- ~~B. Multiple dwelling structures including triplex and fourplex family dwelling structures and multifamily apartments in which units are rented on a permanent basis, but not including motels or other facilities offered on a transient tenancy basis;~~
- C. ~~Townhouse buildings containing no more than six townhouses, subject to [Section](#)~~
 - ~~2. Each townhouse in the townhouse project shall have a minimum width of twenty feet;~~
 - ~~3. A common access drive at least sixteen feet wide with a minimum of twelve feet of paved area with one-foot minimum shoulders on either side;~~
 - ~~4. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the city engineer and recorded with the plat;~~
 - ~~5. No parking in common access drives. Parking in designated parking areas only;~~
 - ~~6. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a minimum six thousand square foot parcel or to the size of the parcel prior to the townhouse project;~~
 - ~~7. A preliminary plat or subdivision plat shall be submitted and approved prior to issuing the building permit;~~

~~8.— A post construction survey shall be submitted prior to approval of the final plat. Said survey shall be certified by a surveyor licensed in the state of Washington and shall show all setbacks including common wall location. Each division shall conform to Title 16 of this code,~~

~~9.— Where access is provided directly from a street, each townhouse building shall be required to share only one curb cut. Townhouse buildings containing up to three units shall be required to share only one curb cut.~~

17.32.020 - Accessory uses.

Accessory uses in the R3 district include uses [listed in R1 and R2 and such](#) uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for noncommercial vehicles only, but not including any business, trade or industry [except as a Home Occupation per definition in Section 17.08.230](#). [All accessory uses are subject to applicable development standards.](#)

17.32.025 - Principal uses permitted subject to site plan review.

- A. Multiple-dwelling structures including triplex and fourplex family dwelling structures and multifamily apartments in which units are rented on a permanent basis, but not including motels or other facilities offered on a transient-tenancy basis;
- B. Townhouse [buildings containing no more than six four townhouses.](#)

[Multi-family residential developments or townhouses are subject to site plan review pursuant to Section 17.68.135 of this code in addition to General Development Guidelines listed in Section 17.32.045.](#)

17.32.030 - Conditional uses.

See Chapter 17.40.

17.32.032 - Prohibited uses.

- [A. Outside storage of wrecked, dismantled or partially dismantled, inoperable, or unlicensed \(vehicle licensing plates and current tabs\) and uninsured vehicles.](#)
- [B. Use of mobile homes, trailers, motor homes or campers.](#)
- [C. Parking or storage of industrial or agriculture vehicles and equipment on lots.](#)
- [D. Outside collections of automobile, truck or other motor vehicle parts or paints, fuels, and lubricants.](#)
- [E. Outside accumulations of garbage, trash, household goods yard trimmings, or other materials which create a public nuisance or fire hazard.](#)

F. On premise storage of flammable, toxic, corrosive, or explosive chemicals, gases, or materials other than reasonable amounts of normal household paints, cleaners, solvents, fuels.

G. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept without City approval.

17.32.034 - Property development standards.

A. Dwelling standards:

1. A single-family residential dwelling shall have a minimum floor area of six hundred (600) square feet excluding porches, carports, garages, and basement or other rooms used exclusively for the storage or housing of mechanical or central heating equipment.

2. All single-family dwellings shall be placed on permanent foundations.

3. All dwellings shall be not less than twenty (20) feet in width at the narrowest point of its first story.

4. All manufactured homes must be new on the date of installation and comply with applicable siting standards in Section 17.68.130.

5. Maximum building height shall not exceed twenty eight (28) feet in residential zones.

6. No business signs shall be erected or displayed on residential lots or adjacent street right-of-way buffer strips, except as provided in Sign Ordinance, Chapter 15.12 of this code. ~~Section 20.16.060 of this chapter.~~

7. No contour or existing topography shall be substantially altered by fill, excavation, channeling or other device that would cause flooding, inundation, siltation, or erosion by storm water on adjoining lots, open spaces, or rights-of-way.

B. Accessory use, accessory buildings and garages.

1. Any plumbing and/or sewer facilities in any accessory building or garage shall be subject to International Building Code requirements and limited to the exclusive private use of the residents of the principal building.

2. Sewer stub-out facilities shall not be provided in or adjacent to any garage or accessory building for use within that building unless the building contains an approved ADU.

3. Garages and all accessory buildings used as studios, workshops or for home occupations shall conform to International Building Code requirements and to the setback requirements for principal buildings except that such structures may be located up to five feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least 15 feet in width.

C. Fences.

1. Fence heights shall not exceed six (6) feet along rear or side lot lines.

2. Fence heights shall not exceed five (5) feet along front lot lines.

3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four (4) feet for the first twenty-five (25) feet from the lot corner to ensure adequate view clearance per Section 17.68.090.

4. Fences shall not be constructed or kept in any manner which could constitute a safety hazard to the person or property of adjoining landowners or to the general public.

17.32.040 - Density provisions.

Density provisions for the R3 district are as follows:

- A. Maximum height of buildings: two stories, but not to exceed twenty-eight feet;
- B. Minimum area of lot for single-family dwellings: five thousand square feet; two-family dwellings attached: six thousand square feet; and shall be governed by the standards in the R1 and R2 districts;
- C. Minimum area of lot for multifamily dwellings and townhouse buildings: two thousand five hundred square feet per dwelling unit for the first two dwelling units; additional dwelling units, two thousand square feet per unit;
- D. Minimum lot depth: eighty feet;
- E. Minimum width of lot: one hundred feet; twenty feet per townhouse;
- F. Maximum percentage of lot coverage: fifty percent;
- G. Minimum front yard depth: fifteen feet;
- H. Minimum side yard width: five feet, ~~except when abutting an R1 or R2 district, then ten feet shall be required~~; zero for townhouse common wall;
- I. Minimum side yard width along flanking street of corner lot: fifteen feet;
- J. Minimum rear yard: ~~twenty fifteen feet~~. NOTE: accessory structures allowed within rear yards subject to five foot setback from rear lot lines subject to development standards in this zone.

~~17.32.045 - General development guidelines-~~

~~The design criteria for siting residential developments in the R3 district shall-~~

- ~~A.— Complement and incorporate the natural features and terrain of the site area to the maximum extent possible;~~
- ~~B.— Provide fencing or screening of mechanical equipment and dumpsters or other refuse containers;~~
- ~~C.— Provide buffering of loading and unloading areas;~~
- ~~D.— Provide for adequate distances between on-site structures or the staggering of structures to maximize the use of natural light and view;~~
- ~~E.— Reduce the impact of tall or bulky structures; and~~
- ~~F.— Vehicle circulation and parking shall be designed to:
 - ~~1.— Clearly identify major access drives and avoid larger parking areas and double loading parking along such major access drives;~~
 - ~~2.— Provide adequate landscape islands to visually buffer and define parking spaces as shown on city drawing 17.50.070-A, Minimum Parking Standards, on file in the office of the city clerk-treasurer;~~~~

~~3.— Driveways and parking areas shall be designed to allow for the encouragement of joint access; and~~

~~G.— Landscaping and pedestrian amenities should be designed by a professional and shall include scaled drawings showing:~~

~~1.— High image materials to highlight public access points into buildings,~~

~~2.— Provide adequate appropriately scaled plant species to complement the scale of buildings within the development. Consistent use of large trees and mixed vegetation screening will be encouraged. Where feasible, interconnecting pedestrian pathways will be required.~~

~~3.— All required landscape as shown on the site plan for the project shall be perpetually maintained in a healthy condition, free of refuse and debris. All plantings shall be maintained so as not to obscure the vision of traffic.~~

17.32.050 - Off-street parking space.

For dwelling units in an R3 district, there shall be two off-street spaces or private garage or building on the same lot as the dwelling unit complex, or attached thereto, or made a part thereof, for each housekeeping unit in the dwelling, the size and type of such parking space to be the same as prescribed in the R1 and R2 districts.

17.32.060 - Utility requirements.

In the R3 districts, all new structures shall be serviced by underground utilities.

Chapter 17.36 - MHR MOBILE HOME RESIDENTIAL DISTRICT

Sections:

[17.36.010 - Principal uses permitted outright.](#)

[17.36.020 - Accessory uses.](#)

[17.36.030 - Conditional uses.](#)

[17.36.040 - Density provisions.](#)

[17.36.050 - Utility requirements.](#)

[17.36.060 - Binding site plan review.](#)

17.36.010 - General Regulations and Conditions

Construction and maintenance of a new manufactured home park or expansion of an existing manufactured home park shall be in accordance with the standards established by this chapter. Any expansion or modification to a pre-existing/nonconforming manufactured home park shall be completed in compliance with this chapter.

- A. A manufactured home park shall consist of not less than two acres of land;
- B. Any person or persons operating a manufactured home park must possess a valid permit to do so from the county health department and a valid city business license;
- C. Every manufactured home park shall conform with all applicable Rules and Regulations of the Washington State Department of Health;
- D. Every manufactured home shall be situated on its individual manufactured home space, such space to have an area of not less than one thousand square feet every space shall be sized to fully contain the mobile home placed on the space including dedicated parking and accessory structures related to the primary structure unless explicitly provided in a designated common area;
- E. Every owner or operator of a manufactured home park shall maintain such manufactured home park and all permanent equipment in connection therewith in a clean and sanitary condition, and shall maintain said equipment in a state of good repair;
- F. All manufactured home parks or expansion of same, shall submit, along with accompanying site development plans, proof of compliance with provisions for flood hazard protection as required by state and local law.

17.36.020 - Uses permitted outright.

Principal uses permitted outright in the MHR district include mobile home parks intended for single-family residency. Permitted uses include the following types of use :

- A. Individual single-family residential dwellings including site-built homes and manufactured homes;
- B. Attached or detached porches, decks, pergolas, stairs and landings;
- C. Garages and other accessory buildings and structures such as utility sheds, recreational vehicle enclosures, household pet enclosures, shop and studio buildings, greenhouses, common outdoor areas or designated common parking areas;
- E. Household gardens;
- F. Private swimming pools, above grade and below grade, provided they are adequately enclosed or fenced and do not constitute a hazard;
- G. Outdoor parking of motor vehicles, (excluding motor bikes, motorcycles, lawn and garden care machinery, golf carts, and excluding motor vehicles within a garage or other accessory building) equal in number to the number of licensed drivers in the household of each unit;
- H. Storage or parking of boats and boat trailers kept in an area specifically planned and provided for such use and kept on site for other than gain or sale; provided, that no boat with an overall length, including the trailer, exceeding thirty (30) feet shall be stored or parked in a manufactured home park;
- I. Outside barbeques and cooking facilities and eating areas;
- J. Outside storage of firewood; provided, that it is neatly and securely stacked and does not harbor rodents or collections of harmful insects or create a fire hazard.
- K. Home Occupation per definition in Section 17.08.230.

17.36.030 Prohibited uses.

Prohibited uses include the following types of use :

- A. Outside storage of wrecked, inoperable or unlicensed vehicles on lots for more than a period of five (5) consecutive days.
- B. Parking or storage of industrial or agriculture vehicles and equipment on lots.
- C. Outside collections of automobile, truck or other motor vehicle parts or paints, fuels, and lubricants.

D. Outside accumulations of garbage, trash, household goods, yard trimmings, or other materials which create a public nuisance or fire hazard.

E. On premise storage of flammable, toxic, corrosive, or explosive chemicals, gases, or materials other than reasonable amounts of normal household paints, cleaners, solvents, fuels.

F. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles, or spiders kept without City approval.

17.36.040 - Accessory uses.

Accessory uses in the MHR district include uses customarily incidental to a principal use permitted outright, including buildings and facilities for the park office, laundry, toilets and washrooms.

~~**17.36.030 - Conditional uses.**~~

~~See Section 17.40.010.~~

17.36.050 - Application -- Detailed Site Plan

At the time of application for a license for a new manufactured home park or the expansion of an existing park, the applicant shall submit twelve copies of the following required detailed plans and specifications drawn by a licensed engineer:

A. New structures;

B. Water and sewer systems;

C. Electrical system;

D. Roads, sidewalks, patio and manufactured home stand construction;

E. Drainage system;

F. Recreation area improvements;

G. A landscape plan prepared by a landscape specialist;

H. Before construction of any swimming pool, two copies of plans approved by the State Board of Health shall be filed with the city building inspector.

Before a plan is approved for construction of a new manufactured home park or to expand an existing park, the proposed location shall be approved for manufactured home park purposes in accordance with this chapter. The review shall follow the Site Plan Review Process in Section 17.81.120

17.36.060 - Density provisions.

Density provisions for the MHR district are as follows:

A. Mobile home sites or pads may not be sold separately though spaces may be leased or rented for long term or permanent occupancy;

B. Lot Size. The minimum site shall be two acres, however, this provision shall not apply to expansion of existing parks. The maximum number of acres shall be five.

1. The density shall be ten units maximum per net acre;

2. The minimum manufactured home park width adjacent to a street right-of-way shall be one hundred feet.

C. Maximum Height. The maximum height of any structure shall be twenty feet as measured from grade.

D. Buffering. A fifteen-foot buffer zone shall exist around the perimeter of the park. Buffering or screening with landscape planting, fencing, walls or any combination thereof is required in order to make the manufactured home park compatible with its adjacent surrounding residential or nonresidential area. All fencing or walls shall be a minimum height of six feet. Landscape plantings are required to reach the minimum height of six feet within five years of construction.

E. Space Requirements.

1. Each manufactured home space shall have a minimum area of not less than one thousand square feet. Each manufactured home space shall be a minimum of thirty feet in width and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Manufactured homes shall be located in such spaces with a minimum of ten feet between manufactured homes or between a home and any building except storage buildings.

2. Each manufactured home space shall be improved with one patio of concrete or other suitable impervious material having a minimum area of one hundred fifty square feet.

3. Each manufactured home space shall have a stand size equal to or greater than the dimensions of the manufactured home located on the stand.

4. Permanent structures located within any manufactured home space shall be used for storage purposes only, shall have a minimum area of thirty-two square feet, and shall be located not less than six feet from manufactured home. These structures shall be uniform and included in the plans submitted to and approved by the planning commission. Permanent structures shall comply with the International Building Code as adopted.

5. No permanent additions of any kind shall be built on or become a part of any manufactured home. Skirting of homes is permissible but such skirting shall not attach the home to the ground.

6. Any part of any manufactured or demountable manufactured home accessory structure such as cabanas, carports, storage cabinet, awnings or porches, shall be located not closer than five feet from the line of the manufactured home space boundary line.

7. Manufactured homes shall be located not closer than ten feet to any access road right-of-way.

17.36.070 - Utility requirements.

In MHR districts, all new structures shall be serviced by underground utilities.

A. Sewer Connections. Every manufactured home park within the city shall connect to city sanitary sewers. This standard applies to any expansion of existing parks.

- B. Water. Every manufactured home park or expansion of the same within the city shall be connected to the city water supply system. Each home in the park must have an individual water meter installed and maintained by the park owner. Each home in the park must have an individual pressure reducing valve installed as per the Uniform Plumbing Code, if the supply pressure exceeds a pressure acceptable to the City engineer.
- C. Electric Power. Every manufactured home park or expansion of same within the city, shall supply the necessary public power utilities to each and every unit therein.
- D. Lighting. Access ways and walkways shall be well marked in the daytime and lighted at night with electric lamps shielded or hooded and directed downward to illuminate only the access and walk way intended to be lit.
- E. Utility installation shall be subject to review by City engineer prior to approval to excavate or otherwise begin installation. Installation shall be performed in accordance with an installation schedule that provides opportunity for notice and inspection as work proceeds. The installation schedule must be approved by the City engineer prior to start of work.

17.36.080 - Binding site plan review.

Binding site plan review is required for mobile home parks in the mobile home park district. The review shall follow the Site Plan Review Process in Chapter 17.81, including steps necessary to amend a final binding site plan.

Chapter 17.40 - CONDITIONAL USES IN RESIDENTIAL DISTRICTS

Sections:

17.40.010 - Uses authorized when.

17.40.020 - Residential conditional uses designated.

17.40.010 - Uses authorized when.

The uses set out in this chapter may be authorized by the ~~board of adjustment~~ or planning commission as conditional uses in residential districts, as indicated. Such uses, although not permitted outright, shall not be deemed nonconforming if existing on September 19, 1973.

17.40.020 - Residential conditional uses designated.

Conditional uses for all residential districts include:

- A. Parks and playgrounds;

- B. Churches and other religious or charitable organizations;
- C. Public and governmental buildings ~~servicing as administrative offices~~ [and uses](#);
- D. Fire and police stations;
- E. Libraries;
- F. ~~Hospitals, rest and convalescent facilities for human beings;~~ [Adult boarding homes, nursing homes](#);
- G. Bed and breakfasts, as defined;
- H. The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than two roomers in the dwelling unit;
- I. [schools, day care and assisted living facilities](#)
- K. [Home businesses that cannot comply with the standards applied to a home occupation allowed in residential zones may request a conditional use permit seeking conditional permit to operate a home business at a larger or more extensive scale than allowed as a home occupation. A home business will need to address all conditional use permit criteria in a manner that demonstrates how operation of a home based business at the alternate scale will maintain compatibility with surrounding permitted uses and retain the residential nature of the site from which it is operated.](#)
- L. [Accessory Dwellings as allowed for in base zones and subject to all applicable standards in Chapter 17.64.](#)
- M. [Residential PUD in RL - Low density residential zone subject to all applicable PUD standards in Chapter 17.75.](#)
- N. [Cottage Infill Development in R-2 or R-3 residential zones subject to all applicable Cottage Infill standards in Chapter 17.73.](#)
- I. Other conditional uses as authorized by the city council that are customarily incidental to permitted and conditional uses allowed in residential district.

~~Chapter 17.44 - C1 LOCAL COMMERCIAL DISTRICTS~~

Sections:-

- ~~[17.44.010 - Purpose Use restrictions generally.](#)~~
- ~~[17.44.020 - Principal uses permitted outright.](#)~~
- ~~[17.44.030 - Conditional uses.](#)~~
- ~~[17.44.040 - Accessory uses.](#)~~
- ~~[17.44.060 - Density provisions.](#)~~
- ~~[17.44.070 - Specific use restrictions.](#)~~
- ~~[17.44.080 - Off street parking space.](#)~~
- ~~[17.44.090 - Utility requirements.](#)~~

~~17.44.010 - Purpose-Use restrictions generally.~~

~~In the C1 district, structures and premises shall only be used in accordance with provisions of this chapter. Such districts are intended to provide primarily for retail sales of daily living needs and convenience goods for people in a residential neighborhood or district.~~

-

~~17.44.020 - Principal uses permitted outright.~~

~~Principal uses permitted outright in the C1 district include retail stores, shops, services and business activities serving primarily the residents of the surrounding urban or rural neighborhood, supplying the necessary daily convenience goods for households, such as groceries, meats, dairy products, drugs, cleaning and laundry (pickup only), and personal services.~~

-

~~17.44.030 - Conditional uses.~~

~~The conditional uses which may be authorized by the board of adjustment in the C1 district are as follows:-~~

- ~~A. — Conditional uses permitted in all residential districts;~~
- ~~B. — Automobile service stations, provided that no major work, repairs or parts sales are carried on, nor storage facilities maintained for rental trailers, trucks or other conveyances;~~
- ~~C. — Any use determined to be of the same general character as the principal uses permitted outright in this chapter.~~

-

~~17.44.040 - Accessory uses.~~

~~Accessory uses permitted outright in C1 districts are as follows:-~~

- ~~A. — Uses and structures customarily incidental to a principal use permitted outright;~~
- ~~B. — An exterior business sign not facing the side of any adjoining lot in an R district, such sign not to exceed sixty square feet in area, and the top of the sign shall not project above the height of the building or twenty-eight feet, and shall pertain only to the business conducted within;~~
- ~~C. — Signs as permitted by the Sign Ordinance, Chapter 15.12 of this code.~~

-

~~17.44.060 - Density provisions.~~

~~Density provisions for the C1 district are as follows:-~~

- ~~A. — Maximum building height: two stories, not to exceed twenty-eight feet;~~

- ~~B.—Minimum area of lot: four thousand square feet, frontage forty feet;~~
- ~~C.—Minimum front yard depth: ten feet;~~
- ~~D.—Minimum side yard, interior lot wholly within the C1 district: none required;~~
- ~~E.—Minimum side yard, zone transition lot: same as requirements of adjoining more restrictive district;~~
- ~~F.—Minimum side yard, corner lot: ten feet;~~
- ~~G.—Minimum rear yard: none required, except when abutting an R district, twenty feet.~~

~~**17.44.070 - Specific use restrictions.**~~

~~Uses permitted in the C1 district shall be subject to the following limitations:~~

- ~~A.—All business, service processing or storage shall be conducted wholly within an enclosed building, except off-street automobile parking and off-street loading;~~
- ~~B.—Processes and equipment and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, vibration, refuse matter, or water-carried waste.~~

~~**17.44.080 - Off-street parking space.**~~

~~In the C1 district, minimum off-street parking shall be provided as specified in Chapter 17.72.~~

~~**17.44.090 - Utility requirements.**~~

~~In C1 districts, all new structures shall be serviced by underground utilities.~~

Chapter 17.48 – C2-GENERAL COMMERCIAL DISTRICTS

Sections:

- [17.48.010 - Purpose-Use restrictions generally.](#)
- [17.48.020 - Principal uses permitted outright.](#)
- [17.48.030 - Conditional uses.](#)
- [17.48.040 - Accessory uses.](#)

[17.48.060 - Density provisions.](#)

[17.48.070 - Specific use restrictions.](#)

[17.48.080 - Off-street parking space.](#)

17.48.010 - Purpose-Use restrictions generally.

In the C2 district, it is intended that structures, premises and facilities would provide a major shopping and business center serving an urban and/or agricultural area of sufficient population to support the facilities provided.

17.48.020 - Principal uses permitted outright.

Principal uses permitted outright in the C2 district include:

- A. Retail stores and shops providing goods and services, including hardware, dry goods, apparel, home appliances, jewelry, photographic studio, furniture and boat sales;
- B. Cafe, tavern, theater (including outdoor), gift shop, radio and television, bank, business or professional office;
- C. Automobile, truck and machinery dealer (new and used), garage, and automobile, truck and other vehicle repair; refrigerated locker, shoe repair, bakery, supermarket, commercial recreation;
- D. Automobile service stations, including storage facilities for rental trailers, trucks and other conveyances;
- E. Hotel, motel and tourist facilities;
- F. Places of public assembly;
- G. Assembly and fabrication of metal products;
- H. Assembly of electrical appliances, electronic instruments and devices;
- I. Auto reconditioning, painting, upholstering, motor rebuilding;
- J. Boatbuilding;
- K. Body and fender work; farm equipment repair;
- L. Brewery, distillery or winery;
- M. Machine shop;
- N. Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cellophane, canvas, cloth and glass;
- O. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, food and beverage products;

- P. Spinning or knitting of cotton, wool, flax or other fibrous materials;
- Q. Stone, marble and granite monument works;
- R. Welding shop.

17.48.030 - Conditional uses.

Conditional uses which may be authorized by the board of adjustment in a C2 district are as follows:

- A. Any use determined to be of the same general character as the principal uses permitted outright in this chapter, subject to the required conditions;
- B. Residential occupancy secondary to the principal commercial use of the property;
- C. Small animal hospitals, veterinary facilities or offices;

17.48.040 - Accessory uses.

Accessory uses permitted outright in a C2 district are as follows:

- A. Uses and structures customarily incidental to principal uses permitted outright;
- B. Manufacturing, compounding, assembly or processing or treatment of products clearly incidental and essential to a retail business shall be permitted;
- C. Advertising signs and outdoor advertising structures not exceeding one hundred square feet in area and not exceeding twenty-eight feet in height;
- D. Signs as permitted by the Sign Ordinance, [Chapter 15.12 of this code](#);
- E. Commercial parking lots for private passenger vehicles only.

17.48.060 - Density provisions.

Density provisions for the C2 district are as follows:

- A. Maximum building height: three stories, but not to exceed thirty five feet;
- B. Minimum lot: none;
- C. Minimum front yard depth: none required;
- D. Minimum side yard, interior lot: none required;
- E. Minimum side yard, corner lot: none required;
- F. Minimum side yard, zone transition lot: same as requirement of adjoining more-restrictive district;

- G. Minimum rear yard: none; except when abutting an R district, twenty feet.

17.48.070 - Specific use restrictions.

Basic uses permitted in a C2 district shall be subject to these limitations:

- A. All business, service, repair, processing or storage shall be conducted wholly within an enclosed building, except for off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.
- B. Processes and equipment and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste, or not in compliance with the fire code.

17.48.080 - Off-street parking space.

In the C district, minimum off-street parking shall be provided as specified in Chapter 17.72.

Chapter 17.50 - RD RIVERFRONTAGE DISTRICT ^[10]

Sections:

- [17.50.010 - Purpose-Use restrictions generally.](#)
- [17.50.020 - Principal uses permitted subject to site plan review.](#)
- [17.50.030 - Conditional uses permitted subject to site plan review.](#)
- [17.50.040 - Accessory uses allowed.](#)
- [17.50.050 - Density provisions.](#)
- [17.50.060 - Specific use restrictions.](#)
- [17.50.070 - General development guidelines.](#)
- [17.50.080 - Off-street parking.](#)
- [17.50.090 - Utility requirements.](#)
- [17.50.100 - Signs.](#)

17.50.010 - Purpose-Use restrictions generally.

In the RD district, structures and premises shall only be used in accordance with the provisions of this chapter. It is the intent of this district to allow planned development for recreational, commercial, light industrial and limited residential uses, [particularly those uses that are water-dependant or where the proximity to the Columbia River is necessary for the development](#). Property owners are encouraged to work together to formulate an overall development plan for this district. As part of the site plan review process, consistency with the overall development plan in this district, if any, shall be considered.

17.50.020 - Principal uses permitted subject to site plan review.

Subject to site plan review in accordance with Sections 17.80.120 through 17.80.160, the following uses are permitted:

A. Limited commercial uses which provide for sale of products, materials or services relating primarily to the recreational, tourist and related activities of the White Salmon vicinity, including:

1. Retail stores and shops providing goods and services such as dry goods, photographic supplies and equipment, sports and recreation supplies and equipment, gifts, art work and convenience items;
2. Restaurants, hotels, motels and tourist facilities;
3. Banks, business and professional offices;
4. Manufacture, assembly or treatment of articles or merchandise from previously prepared materials which takes place wholly within an enclosed structure and from which there is no discernible odor, noise, dust, smoke, cinders, gas, vibration, refuse matter or other noxious effects beyond the property lines.

B. Limited manufacturing for the manufacture of goods or products which takes place wholly within an enclosed structure and from which there is no discernible odor, noise, dust, smoke, cinders, gas, vibration, refuse matter or other noxious effects beyond the property lines, including:

Assembly, fabrication, manufacture, compounding, processing, packaging or treatment of products primarily related to the recreational, tourist and related activities of the White Salmon vicinity.

17.50.030 - Conditional uses permitted subject to site plan review.

Subject to site plan review in accordance with Sections 17.80.120 through 17.80.160, conditional uses which may be authorized by the board of adjustment pursuant to Section 17.80.060 are:

- A. Parks and playgrounds;
- B. Public and government facilities;
- C. Churches and other religious or charitable organizations;

- D. Fire and police stations;
- E. Hospitals and medical care facilities for human beings;
- F. Recreational and vehicle parks and campgrounds;
- G. Any other use determined to be of the same general character as, and no more detrimental than, the principal and conditional uses allowed in the district subject to the required conditions.

17.50.040 - Accessory uses allowed.

The following accessory uses are allowed in the RD district:

- A. Uses and structures customarily incidental to the principal uses permitted outright;
- B. Residential occupancy that is secondary to a principal use permitted outright or to an approved conditional use;
- C. Signs as permitted by the sign ordinance, [Sign Ordinance, Chapter 15.12 of this code.](#)

17.50.050 - Density provisions.

Density provisions for the RD district are as follows:

- A. Maximum Building Height. Three stories, not to exceed forty-five feet; increase setbacks five feet for each two feet over thirty-five foot height; height over thirty-five feet will require the review and approval of fire department and building department based on public safety;
- B. Minimum Lot Area. The minimum area shall be determined based on the amount of area required to meet the provisions of this chapter and provide for proper sanitation and drainage;

C. Minimum Frontage.	On SR 14:	200 feet
	On secondary road:	75 feet
D. Minimum Front Yard.	To SR 14:	25 feet
	To secondary road:	25 feet
E. Minimum Side Yard.	To SR 14:	25 feet
	To secondary road:	20 feet
	Otherwise:	10 feet
F. Minimum Rear Yard.	To SR 14:	25 feet
	To secondary road:	20 feet
	Otherwise:	20 feet
G. Landscape Buffer.	To SR 14:	12 feet
	To secondary road:	10 feet

- H. Ratio of lot width to length not to exceed one to four;
- I. SR 14 Access Separation. Four hundred feet where possible, two hundred foot minimum with a roadway access permit from the city engineer.

17.50.060 - Specific use restrictions.

Basic uses permitted in the RD district shall be subject to these limitations:

- A. All business and manufacturing activities shall be limited to those which are not objectionable by reason of odor, noise, dust, smoke, cinders, gas, vibration, refuse water, water-carried waste or other noxious effects beyond the property line;
- B. Secondary or shared access drives and roads will be encouraged. Easement for secondary or shared access may be required where necessary to assure compliance with the SR 14 access separation criteria set forth in 17.50.050I.

17.50.070 - General development guidelines.

Design criteria for siting developments within the RD district shall:

- A. Compliment and incorporate the natural features and terrain of the site area to the maximum extent possible;
- B. Provide fencing or screening of mechanical equipment and dumpsters or other refuse containers;
- C. Provide buffering of loading and unloading areas;
- D. Provide for adequate distances between on-site structures or the staggering of structures to maximize the use of natural light and view;
- E. Reduce the impact of tall or bulky structures;
- F. Avoid within the same development, sharp contrasts in building styles, colors or materials;
- G. Control public access points to the site's developments, utilizing a central lobby design, entrance courtyard, internal walkway or mall, or similar designs which protect the various land uses from disturbance from direct public access;
- H. When more than one primary use is to be included in the site area, require structures and uses be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways, plazas, recreation areas and day and night security;
- I. Vehicle circulation and parking shall be designed to:
 - 1. Clearly identify major access drives and avoid larger parking areas, and double loaded parking along such major access drives;

2. Provide for shared parking between compatible uses;
 3. Driveways and parking areas shall be designed to allow for the encouragement of joint access and internal traffic flow between sites;
 4. Provide adequate landscape islands to visually buffer and define parking spaces as shown on city drawing 17.50.070-A, Minimum Parking Standards, on file in the office of the city clerk/treasurer.
- J. Landscaping and pedestrian amenities should be designed by a professional and shall include scaled drawings showing:
1. High image materials to highlight public access points into buildings;
 2. Include benches, lighting and occasional waste receptacles in entrance courtyards and along pedestrian walkways or malls;
 3. Landscape buffers shall be required to buffer view and noise between adjacent uses and adjacent roadways. This area shall consist of landscape materials including trees, shrubs, berms, walls or fences. Consistent use of large trees and mixed vegetation screening will be encouraged. Where feasible, interconnecting pedestrian pathways will be required;
 4. Provide adequate appropriately scaled plant species to complement the scale of buildings within the development such as small scale ornamentals and small scale trees adjoining recreational residential developments and large scale trees in larger commercial or limited manufacturing developments, as well as adjacent to SR 14;
 5. All required landscape as shown on the site plan for the project shall be perpetually maintained in a healthy condition, free of refuse and debris. All plantings shall be maintained so as not to obscure the vision of traffic.
- K. Site plans shall be reviewed for consistency with the overall development plan for the property, if applicable.

[L. Site plans shall be reviewed in light of the limited access available to the Columbia River for public recreation and enjoyment, as well as any environmental impact of the development.](#)

17.50.080 - Off-street parking.

Off-street parking shall be provided in accordance with Chapter 17.72.

17.50.090 - Utility requirements.

In the RD district, all new structures shall be serviced by underground utilities.

17.50.100 - Signs.

Signs shall comply with the city sign ordinance as codified in Chapter 15.12 of this code.

~~Chapter 17.52 - M1 LIGHT INDUSTRIAL DISTRICTS~~

Sections:-

~~[17.52.010 - Purpose.](#)~~

~~[17.52.020 - Principal uses permitted outright.](#)~~

~~[17.52.030 - Accessory uses.](#)~~

~~[17.52.040 - Outdoor storage.](#)~~

~~[17.52.050 - Density provisions.](#)~~

~~[17.52.060 - Signs.](#)~~

~~[17.52.070 - Utility requirements.](#)~~

~~[17.52.080 - Off-street parking.](#)~~

~~17.52.010 - Purpose.~~

~~It is the policy of the council to permit the establishment of industrial, manufacturing and processing-type activities and uses in appropriate districts, in accordance with the comprehensive plan text.~~

~~17.52.020 - Principal uses permitted outright.~~

~~In the M1 district, all buildings and premises shall be used for the following:-~~

~~Assembly and fabrication of metal products;~~

~~Assembly of electrical appliances, electronic instruments and devices;~~

~~Auto reconditioning, painting, upholstering, motor rebuilding;~~

~~Boatbuilding;~~

~~Body and fender work; farm equipment repair;~~

~~Brewery, distillery or winery;~~

~~Cereal mills;~~

~~Contractors' or loggers' equipment and truck storage yard, plant, repair, rental;~~

~~Enameling or metal coating (galvanizing), electroplating;~~

~~Foundry;~~

~~Fuel oil distributor;~~

~~Fuels, solid, yard;~~

~~Grain elevator;~~

~~Heavy machinery, repair, storage or salvage;~~

~~Machine shop;~~

~~Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as bone, cellophane, canvas, cloth and glass;~~

~~Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, food and beverage products;~~

~~Railroad facilities of all types, except repair shops;~~

~~Spinning or knitting of cotton, wool, flax or other fibrous materials;~~

~~Stone, marble and granite monument works;~~

~~Tire retreading or recapping;~~

~~Welding shop;~~

~~Any other uses judged by the board of adjustment to be no more detrimental to adjacent properties than, and of the same type and character as, the above-listed uses.~~

-

~~17.52.030 - Accessory uses.~~

~~Accessory uses in an M1 district may be permitted which are customarily incidental and subordinate to the principal use. All such accessory uses must conform to all requirements for the principal use.~~

-

~~17.52.040 - Outdoor storage.~~

~~Outdoor storage in an M1 district must be maintained in an orderly manner at all times. For outdoor storage in this district, uses such as scrap metal storage are permitted under the following conditions:~~

~~A. — No scrap metal may be pile higher than the top of the fence or screening material; such screening material must be seven feet high, which shall completely enclose the use;~~

~~B. — Such storage shall be no closer than three hundred feet from any residential district;~~

~~C. — Storage of animal or vegetable wastes which would attract insects or rodents, or otherwise create a health hazard shall be prohibited.~~

-

~~17.52.050 – Density provisions.~~

Density provisions for the M1 district are as follows:-

- A. ~~Minimum lot coverage: none;~~
- B. ~~Maximum, height limitations for this district: twenty-eight feet;~~
- C. ~~Minimum front yard: no front yards are required in a light manufacturing district except where such property flanks or is opposite a residential zone, in which case the setbacks of the district shall be observed.~~

~~17.52.060 – Signs.~~

In the M1 district, signs are as permitted by the Sign Ordinance.-

~~17.52.070 – Utility requirements.~~

In the M1 district, all new structures shall be serviced by underground utilities.-

~~17.52.080 – Off street parking.~~

In the M-1 district, minimum off-street parking shall be provided as specified in Chapter 17.72.-

~~Chapter 17.56 - M2 HEAVY INDUSTRIAL DISTRICTS~~

Sections:-

- ~~[17.56.010 – Principal uses permitted outright.](#)~~
- ~~[17.56.020 – Conditional uses.](#)~~
- ~~[17.56.030 – Accessory uses.](#)~~
- ~~[17.56.040 – Outdoor storage.](#)~~
- ~~[17.56.050 – Density provisions.](#)~~
- ~~[17.56.060 – Prohibited uses.](#)~~
- ~~[17.56.070 – Utility requirements.](#)~~
- ~~[17.56.080 – Off street parking.](#)~~

~~17.56.010 – Principal uses permitted outright.~~

In an M2 district, all buildings or premises shall be used for the manufacture of, or the following operations:

~~Alcohol;~~

~~Aluminum;~~

~~Ammonia;~~

~~Asphaltic paving material;~~

~~Asphalt, manufacturing or refining;~~

~~Asphalt roofing paper or shingle;~~

~~Automobile and truck wrecking;~~

~~Brick, tile or terra cotta and clay products;~~

~~Byproducts or scrap from fish, meat or animals;~~

~~Can manufacturing;~~

~~Carborundum;~~

~~Cellulose nitrate products;~~

~~Cement products;~~

~~Chemicals, organic or inorganic;~~

~~Concrete and concrete products;~~

~~Creosote manufacturing and treatment;~~

~~Foundry;~~

~~Glass;~~

~~Glue factory, using vegetable or synthetic resin materials in its operation which will not produce obnoxious or offensive odors;~~

~~Graphite;~~

~~Grease, manufacturing or refining;~~

~~Lumber mills, sawmills;~~

~~Metal working machinery;~~

~~Paint, oil, including linseed oil, shellac, turpentine, lacquer or varnish;~~

~~Rock, sand or gravel crushing, processing and storage;~~

~~Rolling, drawing or alloying ferrous or nonferrous metals;~~

~~Rubber treatment or reclaiming plant;~~

~~Soap;~~

~~Steel barrel or drum manufacturing or reclaiming;~~

~~Steel pipe;~~

~~Structural steel fabrication (heavy);~~

~~Tanks and tank components;~~

~~Tar products;~~

~~Tires;~~

~~Wallboard;~~

~~Wood and gum chemicals;~~

~~Wood products;~~

~~Any other uses judged by the board of adjustment to be no more detrimental to adjacent properties than, and of the same type and character as, the above-listed uses.~~

-

~~17.56.020 - Conditional uses-~~

~~The following uses may be permitted in an M2 district only when the location of such use shall have been approved by the board of adjustment after public hearing and examination of the location-~~

~~Acid manufacture;~~

~~Blast furnace;~~

~~Cement, lime, gypsum or plaster of paris manufacture;~~

~~Coke ovens;~~

~~Sump, rubbish, slag or sawdust;~~

~~Explosives, manufacture or storage;~~

~~Fat rendering;~~

~~Fertilizer manufacture;~~

~~Garbage, offal or dead animal reduction or dumpings;~~

~~Gas manufacture or storage, artificial, natural, industrial, liquefied or compressed gases;~~

~~Junkyards, including processing and storage, sales;~~

~~Ore reduction;~~

~~Pulp and paper manufacture;~~

~~Petroleum refining, petroleum, gasoline and other inflammable liquid storage;~~

~~Salvaging, including processing and storage, of metal, paper, cloth, etc.;~~

~~Slaughter of animals, or meatpacking;~~

~~Smelting of copper, iron, lead, tin, zinc and other metallic ores;~~

~~Steel manufacturing;~~

~~Stockyards or other feeding pens;~~

~~Tannery or other curing or storage of raw hides;~~

~~Wrecking of automobiles and equipment of all kinds;~~

~~Any other similar uses judged by the board of adjustment to be objectionable by reason of creating hazardous conditions dangerous to the public health, safety and welfare, damaging to vegetation, or to be an excessive source of water or air pollutants and noise.~~

-

~~17.56.030 - Accessory uses.~~

~~Accessory uses may be permitted in an M2 district which are customarily incidental and subordinate to the principal use.~~

-

~~17.56.040 - Outdoor storage.~~

~~Outdoor storage in an M2 district must be maintained in an orderly manner at all times. Outdoor storage in this district, such as junkyards, auto wrecking and scrap metal storage, is permitted under the following conditions:~~

~~A.— No wrecked auto or scrap material may be piled higher than the top of the fence or screening material; such screening material is to be a sight-obscuring fence or planting which shall completely enclose the use;~~

~~B.— Such storage shall not be closer than one hundred feet from any public thoroughfare, and not closer than three hundred feet from any residential district;~~

~~C.— Storage of animal or vegetable wastes which would attract insects or otherwise create a health hazard is prohibited.~~

-

~~17.56.050 - Density provisions.~~

~~Density provisions for an M2 district are as follows:~~

A.—Maximum lot coverage: none;

B.—Maximum height: twenty-eight feet;

C.—Minimum front yard: no front yards are required except where such property flanks or is opposite a residential zone, in which case the setbacks of the district shall be observed;

D.—Minimum side yard: no side yards are required except where such property flanks or is opposite to a residential zone, in which case the setbacks of the district shall be observed;

E.—Minimum rear yard: no rear yards are required except where such property flanks or is opposite a residential zone, in which case the setbacks of the district shall be observed.

-

~~17.56.060 - Prohibited uses.~~

~~In the M2 district:~~

A.—No building, structure or premises, or portions thereof, established after the effective date of the ordinance codified in this title, shall be used for human habitation, except as quarters for a caretaker, guard or other persons whose permanent residency on the premises is required for operational safety or protective purposes.

B.—No sign shall extend over sidewalk area.

-

~~17.56.070 - Utility requirements.~~

~~In the M2 district, all new structures shall be serviced by underground utilities.~~

-

~~17.56.080 - Off-street parking.~~

~~Off-street parking in the M-2 district shall be as specified in Chapter 17.72.~~

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Chapter 17.60 - CRITICAL AREAS

Sections:

[~~17.60.010 - Purpose.~~](#)

[~~17.60.015 - Designations.~~](#)

[~~17.60.020 - Critical areas map.~~](#)

~~17.60.010 - Purpose.~~

~~The purpose of this section is to implement the requirements of the State Growth Management Act and the goals and policies of the White Salmon comprehensive plan regarding the protection of areas within the city that are identified in the plan as being critical areas and requiring protection from incompatible development.~~

~~17.60.015 - Designations.~~

~~Critical areas identified within the city are designated in the White Salmon comprehensive plan and include floodplains, fish and wildlife habitat, slope hazard areas, and wetlands.~~

- ~~A. — Regulation of development in floodplain areas shall be pursuant to Chapter 15.28 of this code.~~
- ~~B. — Regulation of development in critical slope hazard areas shall be pursuant to Chapter 17.66 of this title. Critical slopes shall be defined as those slopes identified in the comprehensive plan as being in excess of twenty-five percent average grade or those areas in excess of normal design standards as determined by city officials with expertise when less than twenty-five percent average grade.~~
- ~~C. — As the only critical fish and wildlife areas identified in the White Salmon comprehensive plan are those associated with portions of Jewett Creek and the Columbia River and their riparian areas, regulation of development in fish and wildlife habitat areas shall be pursuant to Chapter 17.67 this title pertaining to wetlands and their buffers.~~
- ~~D. — Regulation of development in critical wetland areas and their buffers shall be pursuant to Chapter 17.67 of this title.~~

~~17.60.020 - Critical areas map.~~

~~Critical areas identified by the city in the White Salmon comprehensive plan and as it may be amended to reflect deletions or additions of critical areas shall be delineated on a composite map which shall be maintained by the planning department and made available to the public at a price not to exceed the cost of reproduction. This map shall be referred to as the official critical areas map for the purpose of identifying those critical areas within the city which are required to be protected under this title and the State Growth Management Act. A certification of authenticity shall be placed on this map and all subsequent amendments with signatures of the planning commission chairman and the administrator.~~

~~Chapter 17.66 - SLOPE HAZARD OVERLAY ZONE~~

~~Sections:~~

[17.66.010 - Slope hazard overlay zone.](#)

~~17.66.010 - Slope hazard overlay zone.~~

~~Purpose. There are several areas of the city identified on the comprehensive plan map as have slopes in excess of normal design standards. These areas will require specific review procedures prior to being approved for development. Such review shall be conducted in the process for building permit, short plat or subdivision approval.~~

~~A. Any proposed development in an identified slope hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for development suitability. For the purposes of this section, "development" means and includes any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify the development proposed may be completed without threat to public safety or welfare and shall be used to evaluate the development proposal.~~

~~B. In approving the development permit, the following conditions may be imposed to ensure site and area stability:~~

- ~~1. Maintain vegetation and eliminate widespread destruction of vegetation;~~
- ~~2. Carefully design new roads and buildings with respect to:
 - ~~a. Placement of roads and structures on the surface topography,~~
 - ~~b. Surface drainage on and around the site,~~
 - ~~c. Drainage from buildings and road surfaces,~~
 - ~~d. Placement of septic tank disposal fields;~~~~
- ~~3. Careful construction of roads and buildings to:
 - ~~a. Avoid cutting toe slopes of slump blocks,~~
 - ~~b. Provide careful grading around the site, avoiding over-steepened cut banks,~~
 - ~~c. Require revegetation of disturbed areas as soon as possible;~~~~
- ~~4. Other conditions may be imposed to reasonably ensure that the development is protected from damage by mass earth movement.~~

~~Chapter 17.67 - WETLANDS AND WETLAND BUFFERS~~

Sections:

[17.67.010 - Purpose.](#)

[17.67.020 - Definitions.](#)

- ~~[17.67.030 – Lands to which this section applies-Rating system-Determination of boundary.](#)~~
- ~~[17.67.040 – Regulated activities and allowed activities.](#)~~
- ~~[17.67.050 – Procedures for wetland permits.](#)~~
- ~~[17.67.060 – Wetland buffers.](#)~~
- ~~[17.67.070 – Avoiding wetland impacts.](#)~~
- ~~[17.67.080 – Minimizing wetlands impacts.](#)~~
- ~~[17.67.090 – Acting on applications.](#)~~
- ~~[17.67.100 – Compensating for wetland area impacts.](#)~~
- ~~[17.67.110 – Temporary emergency permit.](#)~~

~~17.67.010 – Purpose.~~

The purpose of this chapter is to protect the adverse environmental impacts of development by:-

- ~~A. — Preserving, protecting and restoring wetlands by regulating development within them and their buffers;~~
- ~~B. — Protecting the public against losses from:
 - ~~1. — Unnecessary maintenance and replacement of public facilities,~~
 - ~~2. — Publicly funded mitigation of avoidable impacts,~~
 - ~~3. — Cost for public emergency rescue and relief operations, and~~
 - ~~4. — Potential litigation from improper construction practices authorized for wetland areas;~~~~
- ~~C. — Achieving no overall net loss in acreage and functions of the state's remaining wetland base;~~
- ~~D. — Implementing the policies of the State Growth Management Act and the White Salmon comprehensive plan.~~

~~17.67.020 – Definitions.~~

For purposes of this section, the following definitions shall apply:-

- ~~A. — "High-intensity land use" means and includes land uses which are associated with moderate or high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, medium- and high-density residential, multifamily residential, active recreation, and commercial and industrial land uses.~~
- ~~B. — "Hydric soil" means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soils shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.~~
- ~~C. — "Low-intensity land use" means and includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts, including, but not limited to, passive recreation, open space, or agricultural or forest management uses.~~

~~D.—"Mitigation" means and includes avoiding, minimizing or compensating for adverse wetland impacts. Mitigation, in the following order of preference is:~~

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

~~E.—"Native vegetation" means plant species which are indigenous to the area in question.~~

~~F.—"Regulated wetlands" means ponds twenty acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the Federal Clean Water Act, and those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands created as mitigation and those modified for approved land use activities shall be considered as regulated wetlands. All Category I wetlands shall be considered regulated wetlands. Regulated wetlands do not include Category II and II wetlands less than two thousand five hundred square feet and Category IV wetlands less than ten thousand square feet. Regulated 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. The applicant shall bear the burden of proving that the site was not previously a wetland. For identifying and delineating a regulated wetland, local government shall consider the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.~~

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

~~H.—"Wetland buffer" or "Wetland buffer zone" is an area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.~~

~~I.—"Wetland permit" means any permit issued, conditioned or denied specifically to implement this chapter.~~

-

~~17.67.030 – Lands to which this section applies-Rating system-Determination of boundary.~~

~~A.—Wetland Areas. Areas designated as wetlands in the White Salmon comprehensive plan and areas that may be identified on a case-by-case basis as wetlands by professionals with expertise as defined by federal standards are subject to this section. Wetlands not shown on the wetland map in the White Salmon comprehensive plan are presumed to exist in the city and are protected under all the provisions of this chapter. In the event that any of the wetland designations shown on the map conflict with the criteria set forth in federal standards, the criteria shall control.~~

~~B.—Wetland Rating System. The city shall use the state of Washington's four-tier wetlands rating system for categorizing wetlands for purposes of this chapter. The wetland category shall be assigned by the planning department at the time of development review. Categories shall be applied as the regulated wetland exists on the date of adoption of the ordinance codified in this chapter; as the regulated wetland may naturally change thereafter; or as the regulated wetland may change in accordance with permitted activities. Wetland rating categories shall not be altered to recognize illegal modifications.~~

~~C.—Determination of Regulatory Wetland Boundary. The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation applying the wetland definition provided in Section 17.67.020F. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of a permit application.~~

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~~17.67.040 - Regulated activities and allowed activities.~~

~~A.—Regulated Activities. A permit shall be obtained from the city prior to undertaking the following activities in a regulated wetland or its buffer unless authorized by subsection B of this section:~~

- ~~1.—The removal, excavation, grading or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;~~
- ~~2.—The dumping, discharging or filling with any material;~~
- ~~3.—The draining, flooding or disturbing of the water level or water table;~~
- ~~4.—The driving of pilings;~~
- ~~5.—The placing of obstructions;~~
- ~~6.—The construction, reconstruction, demolition or expansion of any structure;~~
- ~~7.—The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;~~
- ~~8.—Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants.~~

~~B.—Allowed Activities. The following uses shall be allowed within a wetland or wetland buffer to the extent that they are not prohibited by any other chapter or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or~~

~~wetland buffer to a use to which it was not previously subjected:-~~

- ~~1.— Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;~~
- ~~2.— Outdoor recreational activities, including fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing and bicycling;~~
- ~~3.— The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources;~~
- ~~4.— Existing and ongoing agricultural activities including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations;~~
- ~~5.— The maintenance (but not construction) of drainage ditches;~~
- ~~6.— Education, scientific research, and use of nature trails;~~
- ~~7.— Navigation aids and boundary markers;~~
- ~~8.— Boat mooring buoys;~~
- ~~9.— Site investigative work necessary for land use applications submittals such as surveys, soil logs, percolation tests and related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and~~
- ~~10.— The following uses are allowed within wetlands and/or wetland buffers provided that written notice at least ten days prior to the commencement of such work has been given to the city and provided that wetland impacts are minimized and that disturbed areas are immediately restored:-~~
 - ~~a.— Normal maintenance, repair or operation of existing serviceable structures, facilities or improved areas. Maintenance and repair does not include any modification that changes the character, scope or size of the original structure, facility or improved area and does not include the construction of a maintenance road, and~~
 - ~~b.— Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions.~~

~~C.— Special Permit Uses. Any activity other than those specified in this section may not be conducted in wetlands or wetland buffers except upon issuance of a wetland permit by the city. Where the proposed activity requires any other permit approval by the city, the wetland permit shall be submitted with or incorporated as part of the other permit application.~~

~~**17.67.050 – Procedures for wetland permits.**~~

~~A.— Wetland Permit. Except as specifically provided in Section 17.67.040B, no regulated activity shall occur or be permitted to occur within a regulated wetland or wetland buffer without a written permit from~~

~~the city. All activities that are not allowed or permitted shall be prohibited. Applications for wetland permits shall be made to the administrator on forms furnished by that office. Permits shall be valid for a period of three years and shall expire at the end of that time unless a longer or shorter period is specified by the city upon issuance of the permit. Extensions may be granted upon written request.~~

~~B. — Filing Fees. At the time of an application a fee shall be paid in an amount established by the city council. The city may assess additional reasonable fees as needed to monitor and evaluate permit compliance and mitigation measures.~~

~~C. — Notification. Upon receipt of a completed permit application, the administrator shall notify the individuals and agencies, including federal and state agencies, having jurisdiction over or an interest in the matter to provide such individuals and agencies an opportunity to comment. The administrator shall establish a mailing list of all interested persons and agencies who wish to be notified of such applications.~~

~~D. — Public Hearing. Following the submittal of an application determined to be complete, the planning commission shall hold a public hearing on the application unless the administrator finds the activity is so minor as to not affect a wetland buffer. Notice of the hearing shall be given as provided in Section 17.12.090~~

~~E. — Permit Action.~~

~~1. — Upon receipt of a complete application for a permit authorizing activities on a Category I wetland or its buffer, the city shall submit the application to the State Department of Ecology for its review and comment within thirty days of submittal, or within a period approved otherwise by the city upon request of extension. When submitted, no permit shall be issued under this subsection prior to receipt of such comments or the expiration of the time period or any extension.~~

~~2. — The planning commission shall approve, approve with conditions, or deny a permit application within thirty working days of the public hearing, except that where additional information is required by the city, it may extend this period by sixty days. In acting on the application, the commission shall in writing deny, permit, or conditionally permit the proposed activity. If a decision must be made in a ninety-day period and there is insufficient information or time to process the application, a denial will be issued.~~

~~3. — A permit shall only be granted if the permit, as conditioned, is consistent with the provisions of this chapter. Additionally, permits may only be granted if:~~

~~a. — A proposed action avoids adverse impacts to regulated wetlands or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;~~

~~b. — The proposed activity results in no net loss; or~~

~~c. — Denial of a permit would cause an extraordinary hardship on the applicant.~~

~~4. — Wetland permits shall not be effective and no activity thereunder shall be allowed during the time provided to file a permit appeal.~~

~~5. — Appeals. Any decision of the planning commission in the administration of this chapter may be appealed to the city council.~~

~~6. — Modification of Permits. A wetland permit holder may request and the planning commission may approve modification of a previously issued permit.~~

~~7.— Resubmittal of Denied Wetland Permit Applications. A wetland permit application which has been denied may be modified and resubmitted no earlier than one hundred eighty days following action on the original application.~~

~~**17.67.060 – Wetland buffers.**~~

~~Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland.~~

~~A.— Standard Buffer Zone Widths. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to Section 17.67.030C. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use.~~

1.	Category I	
	High-intensity use	300 feet
	Low-intensity use	200 feet
2.	Category II	
	High-intensity use	200 feet
	Low-intensity use	100 feet
3.	Category III	
	High-intensity use	100 feet
	Low-intensity use	50 feet
4.	Category IV	
	High-intensity use	50 feet
	Low-intensity use	25 feet

~~B.— Increased Wetland Buffer Zone Width. The city shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetlands functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:~~

- ~~1.— A larger buffer is necessary to maintain viable populations of existing species; or~~
- ~~2.— The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority species or habitats, or essential or outstanding potential habitat for those species or has unusual nesting or resting sites; or~~
- ~~3.— The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or~~
- ~~4.— The adjacent land has minimal vegetation cover or slopes greater than fifteen percent.~~

~~C.— Reduction of Standard Wetland Buffer Zone Width. The city may reduce the standard wetland~~

~~buffer zone widths on a case-by-case basis where it can be demonstrated that:~~

~~1.— The adjacent land is extensively vegetated and has less than fifteen percent slopes and that no direct or indirect, short-term or long-term, adverse impacts to regulated wetlands, as determined by the city will result from a regulated activity. The city may require long-term monitoring of the project and subsequent corrective actions if adverse impacts to regulated wetlands are discovered; or~~

~~2.— The project includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetlands functions and values. An enhanced buffer shall not result in greater than a twenty-five percent reduction in the buffer width, and the reduced buffer shall not be less than twenty-five feet.~~

~~D.— Standard Wetland Buffer Width Averaging. Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:~~

~~1.— That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;~~

~~2.— That the wetland contains variations in sensitivity due to existing physical characteristics;~~

~~3.— That low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low-intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;~~

~~4.— That width averaging will not adversely impact the wetland functional values;~~

~~5.— That the total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer or be less than twenty-five feet.~~

~~E.— Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.~~

~~F.— Permitted Uses in a Wetland Buffer Zone. Regulated activities shall not be allowed in a buffer zone except for the following:~~

~~1.— Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low-intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short-term scientific or educational activities, and sports fishing or hunting;~~

~~2.— With respect to Category III and IV wetlands, stormwater management facilities having no reasonable alternative on-site location; or~~

~~3.— With respect to Category III and IV wetlands, development having no feasible alternative location.~~

~~G.— Building Setback Lines. A building setback line of fifteen feet is required from the edge of any wetland buffer. Minor structural intrusions into the area of the building setback may be allowed if the city determines that such intrusions will not negatively impact the wetland. The setback shall be identified on a site plan which shall be filed as an attachment to any permit application submitted for approval by the city.~~

~~**17.67.070 – Avoiding wetland impacts.**~~

~~A.— Regulated activities shall not be authorized in a regulated wetland except where it can be demonstrated that the impact is both unavoidable and necessary or that all reasonable economic uses are denied.~~

~~B.— With respect to Category I wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.~~

~~C.— With respect to Category II and III wetlands, the following provisions shall apply:~~

~~1.— For water dependent activities, unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.~~

~~2.— Where nonwater dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:~~

~~a.— The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on a regulated wetland; and~~

~~b.— A reduction in the size, scope, configuration or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a regulated wetland or its buffer will not accomplish the basic purpose of the project; and~~

~~c.— In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.~~

~~D.— With respect to Category IV wetlands, unavoidable and necessary impacts can be demonstrated where the proposed activity is the only reasonable alternative which will accomplish the applicant's objectives.~~

~~E.— Reasonable Use.~~

~~1.— If an applicant for a development proposal demonstrates to the satisfaction of the city that application of these standards would deny all reasonable economic use of the property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the city:~~

- ~~a.— That the proposed project is water dependent or requires access to the wetland as a central element of its basic function, or is not water dependent but has no practicable alternative pursuant to this section;~~
 - ~~b.— That no reasonable use with less impact on the wetland and its buffer is possible;~~
 - ~~c.— That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers;~~
 - ~~d.— That the proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and its existing contours, vegetation, fish and wildlife resources, and hydrological conditions;~~
 - ~~e.— That disturbance of wetlands has been minimized by locating any necessary alteration in wetland buffers to the extent possible;~~
 - ~~f.— That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats;~~
 - ~~g.— That the proposed activities will not cause significant degradation of groundwater or surface water quality;~~
 - ~~h.— That the proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;~~
 - ~~i.— That any and all alterations to wetlands and wetland buffers will be mitigated in accordance with state regulations and policies;~~
 - ~~j.— That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and~~
 - ~~k.— That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.~~
- ~~2.— If the city determines that alteration of a wetland and/or wetland buffer is necessary and unavoidable, the city shall set forth in writing in the file it maintains regarding a permit application its findings with respect to each of the items in this subsection.~~

~~17.67.080 - Minimizing wetlands impacts.~~

~~After it has been determined by the city pursuant to Section 17.67.040 that losses of wetland are necessary and unavoidable or that all reasonable economic use has been denied, the applicant shall take deliberate measures to minimize wetland impacts. These measures shall include but are not limited to:~~

- ~~A.—Limiting the degree or magnitude of the regulated activity;~~
- ~~B.—Limiting the implementation of the regulated activity;~~
- ~~C.—Using appropriate and best available technology;~~
- ~~D.—Taking affirmative steps to avoid or reduce impacts;~~
- ~~E.—Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;~~
- ~~F.—Involving resource agencies early in site planning; and~~
- ~~G.—Providing protective measures such as siltation curtains, hay bales, and other siltation prevention measures, scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities.~~

~~**17.67.090 – Acting on applications.**~~

~~As a condition of permit approval for any land containing a wetland area designated and/or defined pursuant to this chapter, the city shall condition the approval to delineate existing wetlands and identify applicable buffers. Wetland areas and buffers shall be included in the area of the lot for purposes of subdivision method and zoning minimum lot size.~~

~~**17.67.100 – Compensating for wetland area impacts.**~~

~~As a condition of any permit allowing alteration of wetland areas and/or wetland area buffers, or as an enforcement action, the city shall require that the applicant engage in the restoration, creation or enhancement of these areas in order to offset the impacts resulting from the applicant's or violator's actions. For wetlands, the overall goal of any compensatory project shall be no net loss of wetlands function and area and to strive for a net resource gain in wetlands over present conditions. Compensatory mitigation shall follow an approved mitigation plan prepared by a professional with expertise approved by the city.~~

- ~~A.—Wetland Mitigation Plans. All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared by qualified wetland professionals approved by the city. Written approval of the mitigation plan by the city shall be secured prior to enhancement activity.~~
- ~~B.—Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided.~~
- ~~C.—Permit Conditions. Any compensation project prepared pursuant to this chapter and approved by the city shall become part of the application for the permit.~~
- ~~D.—Performance Bonds and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager~~

~~shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, bonds ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted in the amount of one hundred twenty percent of the expected cost of compensation.~~

~~E.— Agency Consultation. The city shall consult with and solicit comments of any federal, state, regional or local agency, including tribes, having any special permit expertise with respect to any environmental impact prior to approving a mitigation proposal which includes wetlands compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.~~

~~F.— Compensatory mitigation is not required for regulated activities:~~

~~1.— For which a permit has been obtained that occur only in the buffer or expanded buffer and which have no adverse impacts to regulated wetlands; or~~

~~2.— For those allowed activities pursuant to Section 17.67.040B provided such activities utilize best management practices to protect the functions and values of regulated wetlands.~~

~~17.67.110 — Temporary emergency permit.~~

~~Notwithstanding the provisions of the chapter, the administrator may issue a temporary emergency wetlands permit if:~~

~~A.— The administrator determines that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted; and~~

~~B.— The anticipated threat or loss may occur before an approval can be granted or modified under the procedures otherwise required by this chapter; and~~

~~C.— Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this chapter; and~~

~~D.— The emergency permit may be terminated at any time without process upon a determination by the city that the action was not or is no longer necessary to protect human health or the environment; and~~

~~E.— Issuance of an emergency permit does not preclude the necessity to obtain necessary approvals from appropriate federal and state authorities; and~~

~~F.— Notice of the issuance of the emergency permit and request for public comments shall be published at least once a week on the same day of the week for two consecutive weeks in a newspaper having a general circulation in the city no later than ten days after issuance of the emergency permit. The applicant shall be responsible to provide this notice at applicant's expense.~~

Chapter 17.64 – ACCESSORY DWELLING UNITS

Sections:

17.64.010 – Purpose.

17.64.020 – Location.

17.64.030 – Design Standards

17.64.040 – Review Process for ADUs.

17.64.010 – Purpose.

- A. Provide homeowners with a means of obtaining through tenants in either the ADU or principal unit, rental income, companionship, security, and services.
- B. Add affordability options to the existing housing base.
- C. Allow for development of housing units in residential zoning districts that are appropriate for people at a variety of life stages.
- D. Protect neighborhood stability, property values, and the residential appearance of the community by ensuring ADUs are installed under conditions of this ordinance.

17.64.020 – Location.

The Accessory Dwelling Unit (ADU) Overlay shall apply to all residential zoning districts.

17.64.030 – Design Standards

- A. Configuration. An ADU may be located either within, attached to, or detached from the primary structure.
- B. Density. Only one ADU may be created in conjunction with each single-family residence.
- C. Minimum lot size. An ADU shall not be established on any parcel smaller than 4,500 square feet. Note: site size and configuration must accommodate all parking and other development standards in addition to meeting the minimum lot size requirement.
- D. Maximum unit size. The gross floor area, calculated from finished wall to finished wall, of an existing structure, an addition, or new detached structure, converted to, or constructed for the purpose of creating an ADU shall not exceed **50 %** of the gross floor area of the primary single family structure, not including garage and/or detached accessory buildings or *900 square feet (whichever is less)*. A maximum of *two bedrooms* may be provided in an ADU. If the accessory unit is completely located on a single floor, the Planning Administrator may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met.

E. Minimum unit size. The gross floor area of an ADU shall not be less than 300 square feet even if this exceeds the maximum requirement in (D) above, or as otherwise established by the requirements of the City Adopted Building Code.

F. Setbacks and lot coverage. Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures unless a variance is requested and approved. The ADU shall be oriented in a way that considers and maintains the privacy of residents in adjacent or adjoining dwellings to a practical extent.

G. Scale and visual subordination. The development of the parcel will maintain the character and appearance of a single family residential use. New detached structures, or additions to existing structures, created for the purpose of establishing ADU, shall not comprise more than 40 % of the total front elevation of visible structure, including the combined ADU and primary unit. This standard does not apply for internal conversions of existing structures.

H. Parking. Additional on-site parking of one space is required in conjunction with the establishment of an ADU having a single bedroom. Two on site parking spaces are required in conjunction with the establishment of an ADU having two bedrooms. The off-street parking requirements set forth in Chapter 17.72 shall be maintained for the primary residence. Spaces provided to serve the ADU shall be dedicated to that purpose and must be kept open and available for use by residents and guests of the ADU.

I. Access. The driveway serving the ADU shall be the same driveway serving the principal dwelling unless special approval is granted by Planning Commission based on findings that a separate driveway to the ADU can be accommodated while maintaining consistency with the intent of this section and all other review criteria.

J. Design and appearance. An ADU, either attached or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be the same as the primary structure.

K. Construction standards. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.

L. Accessibility. To encourage the development of housing units for people with disabilities, the Building Official may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the International Building Code.

17.64.040 – Review Process for ADUs.

A. Approval to construct and operate an ADU shall be requested with submittal of a site plan and conditional use permit application.

B. Building permits are required for ADUs. The applicant will be required to demonstrate compliance with the above standards prior to receiving land use approval on a building permit.

C. A letter of application must be received from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, not to exceed six months of any calendar year and that *at no time will they receive rent for the owner occupied unit.*

D. A notarized acknowledgement signed by the owners, acknowledging the requirements for creating and maintaining an ADU in conjunction with the primary dwelling on the owner's parcel, shall be recorded with the county so that it is a matter of public record and will come to the attention of any future owners.

E. An ADU may be cancelled by the owner filing a notarized certificate with the city for recording with the county making the termination of the ADU a matter of public record. Cancellation of an ADU may also result from enforcement action if land use approval for the ADU is withdrawn.

Chapter 17.68 - DESIGN AND USE STANDARDS

Sections:

- [17.68.010 - Purpose and applicability.](#)
- [17.68.020 - Lots-Reduction limitations.](#)
- [17.68.030 - Lots-Use when below minimum size.](#)
- [17.68.040 - Front yards-Use restrictions.](#)
- [17.68.050 - Front yards-Projection of steps, fences and other structures.](#)
- [17.68.060 - Side yards-Use restrictions.](#)
- [17.68.070 - Side yards-Projection limitations.](#)
- [17.68.080 - Rear yards-Projection limitations.](#)
- [17.68.090 - Corner lots and corner visibility.](#)
- [17.68.100 - Irregularly shaped lots.](#)
- [17.68.105 - Underground utilities exception.](#)
- [~~17.68.110 - Home occupations.~~](#)
- [17.68.120 - Professional offices and clinics.](#)
- [17.68.130 - Manufactured home siting standards.](#)
- [17.68.140 - New structures to be serviced by underground utilities-New utilities to be underground.](#)
- [17.68.150 - Townhouse Siting Standards](#)
- [17.68.170 - Fire Standards](#)
- [17.68.180 - Lot Coverage](#)
- [17.68.190 - Sign and Lighting also Regulated](#)

17.68.010 - Purpose and applicability.

Provisions of this chapter are of general application to all districts unless otherwise noted. It is the intent of this title to provide standards sufficient to afford continuing protection to property and yet be adaptable enough to avoid unnecessary hardship or interfere with growth and natural change. Accordingly, supplementary provisions are also necessary to govern specific deviations from general rules. Those special deviations are to be contrasted with the grant of variance, which requires discretionary action by the board of adjustment where standards cannot be completely defined.

17.68.020 - Lots-Reduction limitations.

No property may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking, or any other requirements of the district or use.

17.68.030 - Lots-Use when below minimum size.

Buildings or structures may be erected, moved or structurally altered on property which is less than the minimum lot area or dimensions for the district in which it is located, provided such property existed by title in its present form and size before August 19, 1992, the date of adoption of the ordinance codified in this title. In such cases, documentary proof of the fact and date of acquisition shall be submitted by the person claiming benefits from this cause. This section shall not waive other minimum requirements of this title.

17.68.040 - Front yards-Use restrictions.

Where any front yard is required, no building shall be thereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

17.68.050 - Front yards-Projection of steps, fences and other structures.

Steps, terraces, platforms, porches, fences and similar projections having no roof covering and being not over forty-two inches high may be built within a front yard, but in no case shall such projections cause a front yard to be less than ten feet from the face of the projection to the property line. [No accessory buildings are permitted in the front yard.](#)

17.68.060 - Side yards-Use restrictions.

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

17.68.070 - Side yards-Projection limitations.

Eaves, cornices, chimneys and similar projections may extend over the required side yard for a distance of not more than two feet.

17.68.080 - Rear yards-Projection limitations.

Eaves, cornices, steps, platforms, rear porches and similar projections, whether enclosed or not, but not exceeding in width one-half that of the building, nor more than one story in height, may extend into the rear yard not more than twenty percent of the distance from the exterior wall of the structure to the rear property line. [Accessory buildings may occupy the rear yard and shall be located a minimum of five feet from rear lot lines unless otherwise required to meet the setbacks applicable to the principal structure.](#)

17.68.090 - Corner lots and corner visibility.

No sight-obscuring structures or plantings exceeding thirty inches in height shall be located within a ~~twenty-foot~~ twenty-five (25) foot radius of the lot corner nearest the intersection of two public, county or state roads, or from the intersection of a private driveway or road easement and a public, county or state road. Trees located within twenty feet of any such intersection shall be maintained to allow ten feet of vision clearance below the lowest hanging branches.

17.68.100 - Irregularly shaped lots.

On irregular-shaped lots, the average distance from the building line to the lot line shall be not less than the minimum yard provision; provided, however, that no part of the structure shall be located so that less than one-half the minimum yard provisions occurs at any point along such averaged alignment.

17.68.105 - Underground utilities exception.

Underground utilities are provided as required in all zoning districts, including electricity, communications and street lighting; however, there are situations where topography, soil or other conditions make underground installation impracticable. Upon written evidence provided by the supplier of such utilities, the city council may waive the requirement for underground utilities in such instances.

~~17.68.110 - Home occupations.~~

~~A.—Type of Use. Home occupations, when permitted, are those which customarily are carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than twenty-five percent of the floor space of the main floor, which may be in the basement or on the first floor only, of such dwelling may be used, and under no circumstances more than three hundred square feet.~~

~~B.—Disturbing Influences. No home occupation shall be permitted which is objectionable due to noise, dust, smoke, odor, glare, traffic attraction, or other disturbing influences greater than that of any other residential properties in the vicinity.~~

~~C.—Exterior Modifications. There shall be no exterior modification or adornment of the structure which would suggest a use other than residential.~~

~~D.—Trade Limitation. The home occupation shall maintain the appearance of a residential occupancy.~~

~~E.—Permission. All home occupations must receive approval from the board of adjustment.~~

17.68.120 - Professional offices and clinics.

Professional offices and clinics, when permitted subject to conditional use review in districts more restrictive than the C1 district, shall meet the following requirements:

- A. Lot Area. Minimum lot area shall be ten thousand square feet.
- B. Off-Street Parking. Off-street parking shall be required in accordance with Chapter 17.72
- C. Architecture and Landscaping. Buildings, structures and landscaping shall harmonize with the buildings in the vicinity.

17.68.130 - Manufactured home siting standards.

Only those manufactured homes used as residences on individual lots which meet the following criteria are permitted:

Only those manufactured homes used as residences on individual lots which meet the following criteria are permitted:

- A. ~~The manufactured home must be a “new manufactured home” as defined by Section 17.08.320 of this chapter. Manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act and which are in compliance with all current Housing and Urban Development Standards (HUD);~~
- B. ~~Be oriented on the lot so that the longest façade is parallel or predominately parallel to the public or private street. Such manufactured homes shall be at least twenty-four feet wide, with exterior dimensions enclosing a space of not less than eight hundred sixty four square feet;~~
- C. ~~Include either an attached or detached carport or garage. The manufactured home shall have a pitched roof with a slope of not less than three feet in height for each twelve feet in width;~~
- D. The manufactured home shall have exterior siding and roofing which in color, material and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community;
- E. The manufactured home shall be pit-installed or backfilled so that no more than twelve inches of enclosing material is exposed above average grade on or along the street side. The enclosing material shall meet all current UBC requirements for such use. The twelve-inch limitation shall not apply if the home is installed on a basement or other foundation constructed in accordance with current UBC requirements;
- F. The manufactured home shall be attached to a permanent foundation, as specified by the manufacturer. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, uplift and overturning wind forces on a manufactured home, based upon accepted engineering design standards, as approved by Washington State and the local building official;
- G. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single-family dwellings constructed under the current Washington State Energy Code;

- H. Require title elimination (WAC Chapter 308-56A and WAC 65.20.040) within one year of home installation if the property is owned by the manufactured home owner;
- I. The unit must be installed on the site in accordance with the state installation code (WAC 296-150B).
- J. Include a finished porch or deck for each entrance door;

17.68.140 - New structures to be serviced by underground utilities-New utilities to be underground.

- A. All new structures built within the city after the effective date of the ordinance codified in this section shall be served by underground utilities.
- B. All new utilities installed within the city after the effective date of the ordinance codified in this section shall be underground.

17.68.140 - Townhouse Siting Standards

- A. Each townhouse in the townhouse project shall have a minimum width of twenty feet.
- B. Access -
 - 1. A common access drive at least sixteen feet wide with a minimum of twelve feet of paved area with one-foot minimum shoulders on either side.
 - 2. No parking in common access drives. Parking in designated parking areas only.
 - 3. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the city engineer and recorded with the plat.
 - 4. Where access is provided directly from a street, each townhouse building shall be required to share only one curb cut unless the City determines that driveway spacing requirements can better be met by separating the access points.
- C. Projects providing more than three townhouse units shall provide off street parking at the ratio of 2.5 spaces per unit to help accommodate guests and additional vehicles.
- D. A preliminary plat shall be submitted and approved prior to issuing the building permit.
- E. A post construction survey shall be submitted prior to approval of the final plat. Said survey shall be certified by a surveyor licensed in the state of Washington and shall show all setbacks including common wall location. Each division shall conform to Title 16 of this code.
- F. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse

criteria or the tax lots/parcels shall be legally combined to create a minimum five thousand square foot parcel or to the size of the parcel prior to the townhouse project.

G. Project design -

1. Buildings should be articulated to provide identity for individual units and buildings shall meet stepped height limits. Maximum height 25 feet within ten feet of side property. Maximum height is 28 feet beyond the first ten feet off the property line.
2. Townhouse developments must incorporate design features to reduce the appearance of building mass and bulk.
3. Building facades shall use offsets and step backs, the facade shall be broken up by design elements that may include but are not necessarily limited to gables, building projections and articulation.
4. Projecting eaves and roof gables shall extend beyond the main facade to increase building articulation (2' minimum recommended).
5. Architectural features such as bay windows, chimneys and porches are encouraged to provide human scale and to break up building mass and bulk.
6. Dwelling entries such as stoops and porches shall be the predominant facade feature and should have a floor dimension that encourages outdoor seating and use. Raised porches are encouraged.
7. Building materials shall be of a high quality and compatible with surrounding residential structures. Colors and materials shall be coordinated in an aesthetic manner that responds well to the form of the entire building or project and to perpetuate a residential feel.

H. Front Door Landscaping-

1. A minimum of 10' of landscaping shall be provided in the yard area between the front elevation of each unit and the common access drive or Public Street, as measured from the edge of pavement or sidewalk. If the units are accessed by private drive and "turn their backs" on the public street the same landscaping requirement must be met in the yard area between the rear elevation of each unit and the Public Street.
2. Paths or walkways to individual front doors and utility easements may occur in this area, but only if the dominant amount of the area remains available to support significant landscaping.
3. At least one tree per unit front must be provided. Entry stoops, porches or architectural elements are encouraged and may encroach into this yard area up to 2'.

I. Garage Designs

1. All garage structures must be consistent and compatible with the architecture and materials of the townhouses.
2. Garages may be detached, attached or located underneath the units and shall be situated to provide for open landscaped areas and reduced paving.
3. Garage doors shall have some design details, including split panels, trim details and windows. Paired, single-car garage doors are encouraged over large double doors for two car garages

J. Adequate Storage and Mechanical Equipment

1. Each unit shall have at least 80 square feet of enclosed storage area (typically, in the garage area and in addition to area dedicated to parking requirements) so that residents will have some place to store bulky personal effects (such as recreational equipment) allowing, garage space to remain available for parking.
2. Conditions of approval and possible application of CC&Rs for townhouse projects shall continue to prohibit conversion of garage parking into storage space.
3. Exterior mechanical equipment such as heat pumps, shall be located to minimize visual impact and where visible from front doors of units or the public street shall be screened from view.

17.68.150 - Fire Safety Standards

- A. Development shall be set back at least 50 feet from the top of major slopes greater than 30% or 30 feet from the top of grade if the following is done:
 - a. Limit extensions of decks and eaves toward the slope unless fire resistant or non combustible materials are used
 - b. Decking areas screened or enclosed.
 - c. Enclose soffits
- B. Yard areas shall be maintained free of refuse and dead or dying vegetation contributing to fire fuel loads as much as possible. Clear clean areas shall be maintained, free of fire fuel loads, under decks and large extended eaves.
- C. Following steps are necessary and strongly recommended to further minimize fire fuel loading.
 - a. Plant fire resistant domestic plantings - (SEE Pacific NW Extension Service publication "*Fire Resistant Plants for Home Landscapes*" – firefree.org and DNR recreation education homeowners page for information free video or brochure about the importance of fire-safe landscaping.)
 - b. Trees are encouraged to provide shade and ground cooling
 - c. Trees should be grouped with spaces to provide breaks in canopy area
 - d. Trees should be kept in healthy condition, limbed up, and free from dead and dry woody debris.
 - e. Understory vegetation should be minimized under tree canopies. Understory plantings extending under tree canopies should use lower vegetation less likely to provide ladder fuel to carry a ground fire into the tree canopy.
- D. Fire resistant building materials shall be used when possible to do so:
 - a. fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)

- b. all structural projections such as balconies, decks and roof gables built with fire resistant materials equivalent to that specified in the international building code.
 - c. all chimneys and stove pipes be capped with spark arresters meeting NFPA standards, e.g. constructed of 12 USA gauge wire mesh with openings ½” in size
 - d. screens of noncombustible corrosion resistant mesh screening material with openings ¼” or less in size employed on roof and foundation vents to keep sparks and embers out.
 - e. Screen under decks less than 3 feet in height with noncombustible corrosion resistant mesh screening material with openings ¼” or less in size to keep fuel loads from accumulating in low areas difficult to clear and maintain.
 - f. Maintain clear area along any overhead utility lines.
- E. A clear emergency access route to all the dwelling and any occupied accessory structures is required. Access to other developed portions of the site should be maintained:
- a. 12-16’ driving surface with 14-16’ horizontal clearance (free of branches, fences, and other structures...) and 14’ of vertical clearance are required to ensure free passage of emergency response vehicles
 - b. If your driveway is longer than 150 feet a turnaround meeting fire code is required to preclude the need to back emergency response vehicles out in an emergency situation. This requirement will only be modified with review and agreement of the Fire Chief or the Chief’s designee.

17.68.160 - Maximum Lot Coverage

- A. Lot Coverage: The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than 150 square feet, or with two stories or more); and (3) parking pads, driveways, and other impervious surfaces such as sport courts etc.; by (b) the gross area of the that lot.
- B. Maximum Allowable Coverage: Maximum lot coverage applies to any new development or expansion of existing development in the City. New development and expansions to existing development must comply with maximum lot coverage standards in Table 17.01 except as provided below:
- 1. When a detached garage is provided in the rear yard, of a residential dwelling the maximum lot coverage may be increased as shown in the table below.
 - 2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least 60 square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.
 - 3. When a storm water management plan, prepared by a qualified professional, is provided documenting that all storm water resulting from new development or expansion of existing development can be sufficiently accommodated on site, the lot coverage can be exceeded within the limits of setback requirements if the plan is reviewed and accepted by the City.

TABLE 17.01
Maximum Allowable Lot Coverage by Zone

<u>ZONE:</u>	<u>Residential Zones</u>	<u>Commercial, Mixed Use Zones</u>
<u>Max Lot Coverage</u>	<u>50%</u>	<u>60%</u>
<u>Max Lot Coverage w/ front porch</u>	<u>55%</u>	<u>-na-</u>
<u>Max Lot Coverage w/ rear garage</u>	<u>55%</u>	<u>-na-</u>
<u>Max Lot Coverage w/front porch AND rear garage</u>	<u>58%</u>	<u>-na-</u>

4. Existing main and accessory structures that are not in conformance with these coverage requirements prior to adoption of this regulation, are permitted to be rebuilt within the building footprint as it existed at the date of adoption (, 2012), if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.
5. Multi-family dwellings, subject to Site Plan Review, are exempt from the lot coverage requirements and are required to demonstrate adequate capacity to accommodate storm water, on site circulation etc. through the required Site Plan Review process.

17.68.160 - Signs and Lighting also regulated

Sign standards and requirements are addressed in Chapter 15.12 of Title 15 of the White Salmon Municipal Code. Lighting standards and requirements are addressed in Chapter 8.40 of Title 8 of the White Salmon Municipal code. Any of the applicable standards from either of these chapters may be incorporated into any land use decision made under this Title.

Chapter 17.72 - OFF-STREET PARKING AND LOADING

Sections:

- 17.72.010 - Standards generally.
- 17.72.020 - Purpose of provisions.
- 17.72.030 - New uses-Minimum requirements.
- 17.72.040 - Parking spaces-Size and access.
- 17.72.050 - Parking spaces-Location.
- 17.72.060 - Parking spaces-Expanded or enlarged uses.
- 17.72.070 - Joint use-Authorized when.
- 17.72.080 - Joint use-Location and other conditions.
- 17.72.090 - Number of spaces for designated uses.

17.72.010 - Standards generally.

It is the intent of this chapter to allow for parking and loading standards.

17.72.020 - Purpose of provisions.

The provision of off-street parking and loading space in accordance with the needs and requirements of particular property use is a necessary public policy in the interest of traffic safety, minimizing congestion, and to provide harmonious development.

17.72.030 - New uses-Minimum requirements.

New uses in all districts shall meet the minimum standards of this title.

17.72.040 - Parking spaces-Size and access.

A. Each off-street parking space shall have a net area of not less than one hundred sixty square feet, exclusive of access drives or aisles, and shall be of usable space and condition. If determined on a gross-area basis, three hundred square feet shall be allowed per vehicle.

B. If the required parking space for a one-family or two-family dwelling is not provided in a covered garage, then such space shall not be less than two hundred square feet, and shall be so located and/or constructed that it may later be covered by a garage in accordance with the provisions of this title and the city building code.

17.72.050 - Parking spaces-Location.

Off-street facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the maximum walking distance, measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

- A. For one-family and two-family dwellings: on the home lot with the building they are required to serve;
- B. For multiple dwellings: one hundred fifty feet;
- C. For hospitals, sanitariums, homes for the aged, asylums, orphanages, club rooms, fraternity and sorority houses, as approved by city council.

17.72.060 - Parking spaces-Expanded or enlarged uses.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for expansion or enlargement, in accordance with the requirements of the schedule set out in Section 17.72.090; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement since the effective date of the ordinance codified in this title is less than ten percent of the parking space specified in

the schedule for the building. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing as of September 12, 1973.

17.72.070 - Joint use-Authorized when.

The board of adjustment may authorize the joint use of parking facilities for the following uses or activities under the conditions specified:

- A. Up to fifty percent of the parking facilities required by this chapter for a theater, bowling alley, dancehall, restaurant, or other similar uses, may be supplied by the off-street parking provided by other "daytime" types of uses;
- B. Up to fifty percent of the off-street parking facilities required by this chapter for any "daytime" buildings or uses may be supplied by the parking facilities provided by uses herein referred to as "nighttime" uses;
- C. Up to one hundred percent of the parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities serving primarily "daytime" uses.

[D. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking is and will continue to be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the City for compliance with this chapter, and if approved, the contracts shall be recorded with the County records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the City.](#)

17.72.080 - Joint use-Location and other conditions.

- A. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use [shall be demonstrated to the City to be within suitable walking distance for the nature of the use being served.](#)
- B. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

17.72.090 - Number of spaces for designated uses.

The following table sets out minimum standards for parking spaces:

Use

<u>Use</u>	<u>Spaces Required</u>
Residential structures	2 for each dwelling unit unless otherwise specified
Auto courts, motels	1 for each sleeping unit
Hospitals and institutions	1 for each 4 beds
Theaters	1 for each 4 seats except 1 for each 8 seats in excess of 800 seats
Churches, auditoriums and similar open assembly	1 for each 50 square feet of floor area for assembly not containing fixed seats;
Stadiums, sports arenas, and similar open assembly	1 for each 6 seats and/or 1 for each 100 square feet of assembly space without fixed seats
Dancehalls	1 for each 50 square feet of gross floor area
Bowling alleys	6 for each alley
Medical and dental clinics	1 for each 150 square feet of gross floor area
Banks, business and professional offices with on-site customer service;	1 for each 400 square feet of gross floor area
Offices not providing customer services on premises	1 for each 4 employees or 1 for each 800 square feet of gross floor area
Warehouse, storage and wholesale business	1 for each 2 employees
Food and beverage places with sale and consumption on premises	1 for each 200 square feet of gross floor area
Furniture, appliance, hardware, clothing, shoe, personal service stores	1 for each 600 square feet of gross floor area
Other retail stores	1 for each 300 square feet of floor area, or at a ratio of 1 inside to 1 outside
Manufacturing uses, research, testing, assembly, all industries	1 for each 2 employees on the maximum working shift and not less than 1 for each 800 square feet of gross floor area
Uses not specified	Determined by planning commission

Chapter 17.73 – COTTAGE INFILL PROJECTS

17.73.010 – Location and Purpose.

The Cottage Housing Overlay shall be applicable in R-2 and R-3 zoning districts only. The general purposes of the cottage housing development design standards are as follows:

A. A cottage housing development is provided for as an alternative type of detached housing comprised of small residences suited to accommodate a typical household of one or two

individuals. Cottage housing is provided as part of the city’s overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

- B. The cottage housing development design standards contained in this section are intended to create a permit path for small communities of cottage infill development where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.
- C. Cottage housing may allow higher residential density than is normally allowed in the underlying zone district. This increased density is possible through the use of smaller than average home sizes, clustered parking, and the application of overall site design standards applied via approval of a binding site plan that governs the long term use of master planned lots and structures as ownership may shift over time.
- D. Cottage housing developments are subject to special site plan review and conditional use permit approval criteria in addition to the special standards contained in this section.
- E. All cottage housing developments are subject to current city stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.

17.73.020 – Density and lot area.

<u>Zoning District</u>	<u>R-2</u>	<u>R-3</u>
<u>Maximum Cottage Density</u>	<u>1 cottage dwelling unit per 3,500 sf</u>	<u>1 cottage dwelling unit per 3,000 s.f.</u>
<u>Minimum number of cottages per cottage housing development</u>	<u>4</u>	<u>4</u>
<u>Maximum number of cottages per cottage housing development</u>	<u>10</u>	<u>12</u>
<u>Minimum size cottage infill site</u>	<u>21,000 sf (approx ½ acre)</u>	<u>14,000 sf (approx 1/3 acre)</u>
<u>NOTE:</u>		
<u>All density calculations shall follow procedure for computing net density from Section 17.74.040 MU-PUD permitted density computation. Every unit must be allotted a minimum of 800 square feet to accommodate the residential unit (private open space, storage).</u>		

17.73.025 - Existing nonconforming structures and accessory dwelling units.

A. On a lot to be used for a cottage housing development, an existing detached single-family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

Nonconforming dwelling units may be modified to be more consistent with this chapter. For example, roof pitches may be increased consistent with the provisions of this chapter, but the building ground floor or total floor area may not be increased greater than permitted by WSMC 17.73.030.

B. Accessory dwelling units (ADUs) must be permitted and approved as a part of the binding site plan covering the entire development in order to be allowed in a cottage housing developments. All residential units in a cottage housing development, including accessory dwelling units, count toward the maximum permitted density. An attached or detached ADU located on the same lot as a primary single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

17.73.030 –Unit size.

A. Floor Area allowances –

To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	<u>Total Floor Area (square feet)</u>	<u>Ground Floor Area (square feet)</u>	<u>Upper Floor Area (square feet)</u>	<u>Garage Floor Area</u>
<u>Small</u>	<u>< 900</u>	<u>400-800</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>
<u>Large</u>	<u>> 900 < 1,400</u>	<u>600-900</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

Some units may be allowed to exceed the upper floor area ratio if the average of the upper floor areas for all cottages in a cluster does not exceed 60% of the ground floor areas in the cluster. Approval of

this variation in the standard is not subject to variance criteria and does require a finding that the variation of the standard provides for design flexibility that improves the appearance of and spatial relationships between structures in the cottage cluster.

B. A notice to the title of each unit shall prohibit any increase in the total floor area of any cottage or addition of accessory structures within the development unless the entire binding site plan is amended. Such notice shall be recorded with the Klickitat County Assessor's Office.

17.73.040 – Lot coverage.

Lot coverage is limited to no more than 45% impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer

and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability. e.g. If a graveled path is demonstrated to be 15% permeable then 85% of the graveled path area would be counted in the impervious surface calculation. The purpose of this requirement is to help insure that surface and storm water are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

An on-site stormwater analysis shall be performed by a qualified, Washington licensed professional engineer, considering at a minimum a 25 year storm event of 15 minutes duration. The stormwater control plan shall be approved by the Director of Public Works and shall provide for the onsite collection, containment and release of stormwater such that it will not have a deleterious impact to other properties, public or private. All improvements shall be inspected by the Public Works Director prior to completion. The applicant's licensed engineer shall provide a minimum of two sets of infrastructure 'as built' drawings and confirm that all stormwater infrastructure was constructed as per approved design.

17.73.050 – Open space.

A. Common open space. Common open space is intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open

space, the following requirements shall be met:

1. There shall be a minimum of 400 square feet of common open space provided for each unit.
2. Common open space shall abut at least 50 percent of the cottages in a cottage housing development.
3. Common open space shall have cottages abutting on at least two sides, and be easily accessible to all dwellings within the development.
4. Common open space shall not include portions of private yards, and shall be jointly owned by all residents.
5. The common open space shall be outside of wetlands, streams and sensitive area buffers, and shall be on slopes of twelve percent (12%) or less.
6. Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained.

B. Private open space. Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:

1. There shall be a minimum of 300 square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident.
2. The main entry of the cottages shall be oriented toward the common open space as much as possible.

17.73.060 – Building separation.

All units shall maintain 10 feet of separation between vertical exterior walls, except that eaves and architectural projections such as balconies may encroach up to a maximum of 18 inches.

17.73.070 - Setbacks.

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason peripheral set backs (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.

- A. Cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located with respect to the outside perimeter of the planned cottage development.
- B. Setback averaging may be used to meet the front or rear yard setback from the outer perimeter of the planned cottage development but front and rear yard setbacks shall not be less than 10' from the outer perimeter of the cottage development.
- C. Cottage Dwellings and their accessory structures must meet the following set backs from lot lines through the interior of the Cottage development:

<u>Setback / Yard Area</u>	<u>Dimension</u>
<u>Primary Yard (typically front, back, or corner side)</u>	<u>10 feet*</u>
<u>Peripheral Yards (the three sides not included in the primary yard)</u>	<u>5 feet*</u>
<p><i>* Set backs assume parking takes place in a separate parking area. A minimum 18 foot driveway length shall be maintained inside of curb and sidewalk if a drive way curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.</i></p>	

D. Extensions of small storage or accessory structures into a peripheral setback may be approved as long as the extension does not exceed 120 square feet and the resulting building configuration is acceptable to the fire chief and is designed and constructed in accordance with all applicable fire codes.

17.73.080 – Building height.

Standard height limit for cottage dwellings and accessory structures shall be 20 feet. Cottage dwellings having a minimum roof pitch of 6:12 may be permitted a maximum height of 28 feet at a minimum of 10 feet from any property line. The 28 foot allowance will accommodate a second story living area partially under roofline and dormers. Cottage heights shall be measured from the average grade along each side of the structure to the top of roof.

17.73.090 – Parking & Covered Storage

A. Parking requirements are dependent on size of cottage dwelling units and whether or not street designs accommodate on street parking within the Cottage Development.

	<u>Dedicated</u>	<u>Total</u>
<u>Small (<900 s.f.)</u>	<u>1</u>	<u>1.5</u>
<u>Large (<1,400s.f.)</u>	<u>1</u>	<u>2</u>

B. Parking location and screening shall be designed to accomplish the following:

1. Ensure minimal visual impact to residents surrounding the cottage development. Screening may be accomplished by covering parking with a structure compatible with residential use (e.g. parking under pitched roof structure or under carriage house or studio/workshop area) or by relying on grading and landscaping.
2. Occupy the Cottage development site.

3. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
4. Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.
5. Covered storage must be provided for cottage development when covered parking is not provided.
6. On street parking shall be provided for around the perimeter of the Cottage development where feasible unless the City agrees to increase off street parking requirements in lieu of provision for on street parking.

C. Shared detached garage structures:

1. Shared carports or garages shall be limited to a maximum of four (4) stalls per structure and shall be detached from the dwelling units.
2. The design of carports, garages and community buildings must include roof lines similar and compatible to that of the dwelling units within the development.
3. Shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

17.73.100 – Design Guidelines

A. Site Design.

1. The common open space shall be centrally located within a cottage housing development.
2. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented toward common open space.
3. Pedestrian connections should link all buildings to the public right of ways, common open space and parking areas.
3. Exterior lighting shall be minimized and may be allowed if shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be included on the site plan required with to complete a submittal.
4. Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site.
5. If streets within the PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in internal street design standards shall be considered initially in a preapplication conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic for a two way street and 14 feet for a one way street, not to include street parking.

B. Building Design.

1. Roofs of cottages shall be pitched and eave depths shall be a minimum of 18 inches..
2. Covered porches measuring at least 60 square feet shall be incorporated into building design of the cottages.
3. Window and door trim with a minimum of three and one-half inches shall be provided on all cottage units.

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C. Community Buildings.

1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
2. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.
3. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

17.73.110 - Alternative cottage housing development designs.

The Cottage Housing Infill chapter is created to support design innovation and in-fill development. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The city recognizes that cottage infill can be designed in alternate ways and still achieve the overall objectives of this chapter. An applicant may request a variation to specific standards during development review. A specific request for variation within a cottage is not subject to variance criteria. Approval of a specific variation can only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

17.73.120 – Neighborhood Meeting Required

Any Cottage Infill Development application requires a specially noticed neighborhood meeting to be held and documented prior to completion of the development application and before any public hearing is scheduled. Such meeting shall comply with Section 17.74.120 – Special use – neighborhood meeting requirements.

Chapter 17.74 - MIXED USE PLANNED UNIT DEVELOPMENT (MU-PUD)

Sections:

[17.74.010 - Purpose.](#)

[17.74.020 - Permitted uses in a MU-PUD.](#)

[17.74.030 - Permitted modifications and conditions of approval.](#)

[17.74.040 - MU-PUD development standards.](#)

[17.74.050 - MU-PUD approval criteria.](#)

[17.74.060 - Submittal requirements and review procedures.](#)

[17.74.070 - MU-PUD application costs/compliance required before building permits.](#)

[17.74.080 - Special use—Cottage dwellings within mixed use MU-PUD.](#)

[17.74.090 - Special use—Accessory dwelling units in a mixed use MU-PUD.](#)

[17.74.100 - Special use—Cottage and accessory dwelling structural design standards.](#)

[17.74.110 - Alternative special use—Cottage and accessory dwelling unit designs.](#)

[17.74.120 - Special use—Cottage and accessory dwelling neighborhood meeting requirements.](#)

17.74.010 - Purpose.

The purpose of this chapter is to provide regulations and procedures to guide mixed use planned unit development in order to:

- A. Provide flexibility for development (including infill development) in mixed use areas;
- B. Support implementation of innovative plans that address transitions between residential and commercial uses;
- C. Allow for varied, compatible housing and commercial uses to coexist;
- D. Ensure efficient and adequate provision/extension of services in areas where both commercial and residential uses are permitted while addressing anticipated increased demands for services;
- E. Provide opportunities for households of various sizes, ages, and incomes to live in a neighborhood by promoting diversity in the size, type and price of new development in the city;
- F. Provide for live/work opportunities in mixed commercial/residential areas to create or maintain neighborhood character; particularly in neighborhoods having a predominance of small to moderately sized dwelling units, located close to shopping and other community services;
- G. Provide appealing streetscapes that reduce vehicle use and promote foot traffic to strengthen communities and support businesses by enhancing the local customer base;
- H. Facilitate efficient use of land through the application of flexible standards and maximize opportunities for innovative and diversified living environments through creative placement of structures, open space and access ways;
- I. Preserve existing landscape features including established trees through the use of a planning procedure that considers particular site characteristics;
- J. Encourage provision of affordability options.

17.74.020 - Permitted uses in a MU-PUD.

Uses listed in each underlying zone within the project area may be permitted in the MU-PUD. Different uses must interface in a compatible manner. Special uses are permitted subject to specific development criteria.

- A. Permitted uses include:
 - 1. Mixed commercial and residential uses including attached residential uses above and below commercial in commercial areas,
 - 2. Varied single and multifamily residential in residential areas,
- B. Special uses include:
 - 1. Cottage development on smaller lots, and
 - 2. Accessory dwellings.

17.74.030 - Permitted modifications and conditions of approval.

- A. Mixed use planned unit developments allowing for master planned mixed uses may be permitted to modify the zoning and subdivision requirements of Title 16 and the balance of Title 17 if consistent with the purposes expressed in Section 17.74.010 and the other applicable requirements of this chapter, except:
 - 1. Exterior setbacks from public streets along the perimeter of the MU-PUD unless set back averaging is requested and approved as shown on a preliminary plat and implemented in accordance with the binding site plan;
 - 2. Surveying standards;
 - 3. Engineering design and construction standards of public improvements (not including street right-of-way width and street development standards); and
 - 4. Stormwater and erosion control standards.
- B. Modifications of setbacks and other standards in the underlying zones must be shown clearly on a binding site plan.

17.74.040 - MU-PUD development standards.

- A. Size and Permitted Location of MU-PUD. A mixed use planned unit development (MU-PUD) may only be permitted if:
 - 1. The subject lot or tract of land greater than or equal to two contiguous acres;
 - 2. The subject lot or tract includes two or more zoning districts allowing for both residential and commercial uses.
- B. Permitted Density.

1. The number of single-family dwelling units permitted in a MU-PUD may be increased above the number permitted in the applicable zone as follows:
 - a. R-1 detached single-family residential district density may be increased to one hundred twenty-five percent of the single-family density permitted in the underlying zone.
 - b. R-2 two-family residential district may be increased to one hundred fifty percent of the detached single-family density permitted in the underlying zone.
 - c. MHR—mobile home residential zones may be increased to one hundred fifty percent of the detached single-family density permitted in the R-2 zone.
 - d. R-3 multifamily residential district may be increased to two hundred percent of the detached single-family density permitted in the underlying zone.
2. The permitted density shall be computed to reflect net density as follows:
 - a. Determine the gross development area—subtract from the total site area all land unsuitable for development e.g., wetland, flood hazard areas, steep or unstable slopes, publicly owned land, and industrial area.
 - b. Determine the net development area—subtract from the gross development area the actual percentage of area devoted to the street system to a maximum of twenty percent of the gross development area.
 - c. Determine the permitted density—divide the net development area by the minimum single-family lot size of the zone district.
 - d. Determine maximum increased density—multiply the resulting number of units by 1.25 in R-1, 1.50 in R-2 or MHR, or 2.0 in R-3 zones rounded to the next lowest full integer.
3. The average lot size of single-family dwellings and townhouses in the MU-PUD shall not be less than:
 - a. Sixty-five percent of the minimum single-family lot size for the district in the R-1 single-family residential district.
 - b. Fifty percent of the minimum single-family lot size for the district in the R-2 two-family residential district.
 - c. Fifty percent of the minimum single-family lot size for the R-2 two-family residential district in the MHR zone.
 - d. Forty percent of the minimum single-family lot size for the district in the R-3 multifamily residential district.
4. Density bonus of up to twenty percent over enhanced MU-PUD density permitted by subsection B of this section, may be allowed for provision of affordable housing for low and moderate income families (those who have family income of not more than sixty percent of Klickitat County median household income), with appropriate recorded [Covenants, Conditions and Restrictions \(CC&Rs\)](#) which define such affordable housing as follows and require that the housing remain affordable. For

the purpose of this chapter, such affordable housing is defined as residential housing for home ownership where the occupants pay no more than thirty percent of said gross family income for total housing costs, including utilities other than telephone and cable/satellite television.

5. Protection of Trees. Master planning a larger site provides the opportunity to maintain some valuable native vegetation. A tree inventory shall be completed and submitted with the preliminary master plan. Native trees measuring eight inch caliper or greater measured four feet from ground level (dbh) shall be shown on the inventory and clearly identified for preservation or removal. Large native trees should be preserved wherever practicable in the common areas. Where the decision maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees.

If the developer determines it is necessary to remove more than half the large native trees shown on the site inventory, the developer can be permitted to do so as long as the trees removed are replaced by new native trees in accordance with an approved landscape plan that includes new plantings at least two inches to two and one-half inches in caliper.

Where this requirement would cause an undue hardship, the requirement may be modified in a manner which reasonably satisfies the purpose and intent of this section. Conditions may be imposed to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Dimensional and Improvement Requirements.

1. Building setbacks and heights may be modified in accordance with approval of a binding site plan with the following exceptions:

- a. Single- and multifamily dwellings must meet setbacks and height limits required in the zone in which they are located with respect to the outside perimeter of the MU-PUD.
- b. Setback averaging will be allowed from internal lot lines and may be allowed from external lot lines where adjoining parcels are zoned commercial or where setback averaging is determined to improve the traffic safety and flow, streetscape and/or be compatible with surrounding uses.
- c. Standard building setbacks from lot lines through the interior of the MU-PUD shall be:

Setback	Dimension
Front and rear	10 feet*
Side	5 feet (except town house common walls)
Side (corner)	10 feet

* A minimum eighteen foot driveway length shall be maintained inside of curb and sidewalk where a driveway curb cut is provided. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks.

2. Street width, street alignment, ROW width, and other street design standards shall comply with the subdivision ordinance unless access routes through the MU-PUD are to serve primarily low volume local traffic. Low volume would be less than four hundred average daily trips. Local road means a road primarily serving a destination in or adjacent to the proposed development and not collecting traffic from other local roads or transporting through traffic. (American Association of State Highway and Transportation Officials, Guidelines for Geometric Design of Very Low Volume Roads, 2005 as hereafter amended).

If streets within the MU-PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in street design standards shall be considered initially in a preapplication conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic for a two way street [and 14 feet for a one way street](#), not to include street parking.

3. Engineering design and construction standards for all other public improvements, such as water, sewer, on site stormwater retention, etc., will not be modified for MU-PUDs.

4. Off-street parking shall be provided in accordance with the requirements of the zone in which the development is located. Additional off street parking may be required in lieu of on street parking if street widths are decreased to preclude on street parking. Shared parking with commercial establishments may be accepted to meet additional residential parking requirements or to decrease off-street parking requirements if commercial parking can be demonstrated to adequately serve residential development and vice versa.

D. Homeowners Association, Common Facilities, Open Space, Roads, Easements.

1. In any MU-PUD twenty percent of the net development area shall be established, maintained and preserved as open space and community facilities by the landowner until such obligations are vested in the MU-PUD homeowners' association pursuant to RCW Chapter 64.38 and this chapter. The landowner shall establish a Washington nonprofit corporation for the MU-PUD homeowners' association. Within three years of MU-PUD approval, ownership and maintenance of all open space, common areas and common facilities shall be vested in the homeowners' association. Common area or amenities established by easement over private lots, may be considered part of the open space and community facility calculation if such easements provide continuing irrevocable community benefits. Articles and bylaws of the homeowners' association and CC&Rs in a form acceptable to the city attorney shall be recorded with the county auditor and shall be binding on all heirs, successors and transferees of landowner, guaranteeing the following:

- a. The continued use of such land consistent with the MU-PUD approval;
- b. Continuity of maintenance of roads, landscaping, irrigation, public facilities and open space;
- c. Availability of funds required for such maintenance;
- d. Adequate insurance protection of community facilities; and
- e. That all conditions of MU-PUD approval continue to be met and maintained.

2. Open space provided in the MU-PUD shall be planned to provide for connectivity with and

enhancement of other public improvements, park lands, natural areas or community amenities. Open space means an area intended for common use and shall be designed for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, gazebos and patios, open landscaped areas and community gardens, and green belts with pedestrian and bicycle trails. Open space does not include off street parking or loading areas.

3. Direction to Plant Natives. Planting plans for common areas shall be developed with a predominance of drought tolerant and native vegetation. Owners of independently owned parcels are encouraged to plant natives. Planting of native and drought tolerant species in the common areas is required as a means to decrease water demands for irrigation and increase the survivability of selected plant materials.

4. Landowner shall be required to grant appropriate easements to the city for repair, replacement and maintenance of city utilities and services installed within the MU-PUD.

5. At the option of the city or applicant, conditions of approval and other standards can be addressed through a development agreement pursuant to RCW Chapter 36.70B in lieu of or in conjunction with CC&Rs.

17.74.050 - MU-PUD approval criteria.

An applicant for a MU-PUD has the burden of proving, by a preponderance of the evidence that:

- A. All applicable standards have been met, modified or can be adequately addressed by conditions of approval;
- B. The master plan uses an innovative approach to meet the purposes stated in Section 17.74.010, e.g., it integrates mixed commercial and residential uses, provides community and public benefits, protects existing natural resources, and provides adequate and efficient public services and utilities;
- C. The streets, buildings, open space, public facilities and landscaping are designed and located to preserve existing trees, topography and natural drainage;
- D. Structures located on the site are located on ground that is not subject to instability;
- E. Public services will not be over burdened by the proposed development:
 1. The MU-PUD plan shall provide direct access to collector or through streets or demonstrate that minor or local streets have the capacity to carry increased traffic to collector or through streets.
 2. The applicant shall work with the director of public works and/or city engineer to confirm adequacy of water, sanitary sewer, on site surface/stormwater, and all other utilities. If improvements are determined necessary to accommodate increased demand, improvements will be made at the developer's expense or the city and developer may enter into a development agreement pursuant to RCW 36.70B.170(4) and other relevant provisions of RCW Chapter 36.70B. All utilities shall be constructed to city approved standards of design, consistent with accepted engineering practices. All utilities shall be underground only.

3. An applicant shall submit proof of adequacy of services including but not limited to: fire and police protection, schools, health care.

F. Incorporation of Existing Dwelling(s) can be Accommodated in a MU-PUD. An existing detached or attached single-family dwelling that is incorporated into a mixed use MU-PUD as a residence and is nonconforming, with respect to the standards of the general MU-PUD or special use sections, shall be permitted to remain on a MU-PUD site. Noncompliance of the structure may not be increased unless the proposed change is determined by the city to be consistent in character, scale and design with the MU-PUD as controlled by the binding site plan. If an existing dwelling is retained it is counted as a standard single-family dwelling for density calculations unless it complies with the size requirements to be counted as a special use cottage or accessory dwelling.

17.74.060 - Submittal requirements and review procedures.

A. A MU-PUD application shall be reviewed as a subdivision application subject to Title 16 and site plan review pursuant to Sections 17.80.120 through 17.80.180. A pre-submission conference pursuant to Section 16.72.030 will help identify application requirements.

B. Applicant shall comply with Section 16.72.040 and include the following additional tabular data and mapped items:

1. Existing zoning;
2. Total site area;
3. Gross project area;
4. Net project area;
5. Total number of dwelling units proposed;
6. Total sq. ft. of commercial area proposed;
7. Residential density calculation;
8. Open space, common area, and facilities calculation;
9. General description of natural setting and/or aerial and other photos of the site;
10. Proposed development schedule and any plans to phase development;
11. Resulting type of ownership, plans to rent sell and type of ownership planned for common areas;
12. Site maps with graphic scale and north arrow, and topography shown at five-foot intervals, water bodies, critical areas, and important natural features including rock outcroppings, steep slopes, and flood hazard areas;
13. Location and function of all buildings, including heights, nearest setbacks and closest distance between structures;

14. Location and measurement, where applicable, of other proposed improvements;
15. Preliminary landscape diagram identifying use areas, general types of landscape treatment, and areas of irrigated vs. drought tolerant vegetation;
16. Tree survey indicating location of all native trees measuring eight-inch caliper or greater measured four feet from ground and identifying inventoried trees to be removed and to be protected;
17. Preliminary grading plan showing areas of substantial grading or recontouring;
18. Any additional information required by staff and planning commission as necessary to evaluate the character and impact of the proposed MU-PUD development;
19. Initial lighting diagram indicating areas of the site to be lighted at night and a qualitative discussion of the type of lighting planned for those areas;
20. Record of neighborhood meeting, if required;
21. Standards which applicant requests be modified and reasons for the modification; and
22. Applicant's proposed conditions of approval.

C. If the proposed site is within shoreline management jurisdiction an application for shoreline substantial development permit along with any other permits required, such as a flood plain permit or other local, state, or federal permits shall be filed.

D. An environmental checklist shall be completed.

E. A completed application shall be evaluated by staff, including emergency personnel, and it shall be reviewed at a public hearing held by the planning commission. If an environmental impact statement is required the final EIS shall be available for at least ten days before the hearing on the proposal.

F. Site Grading and Clearing. Grading and site clearing in preparation for planned development shall not commence prior to approval of a preliminary master plan. This requirement is necessary to ensure that all necessary erosion control measures are in place prior to disturbance and is intended to limit disturbance to that necessary to accommodate the approved planned development.

G. Planning commission recommendation shall be forwarded to the city council for review on the record. City staff and the applicant shall be available. Staff may provide supplemental information and to respond to questions from the city council. The city council may approve the preliminary plat with some or all of the planning commission's recommended conditions, and may impose additional conditions. The city council may remand the application to the planning commission to address specific articulated concerns of the city council and/or the council's proposed changes to the preliminary plat and/or conditions. The council may deny the application upon findings of noncompliance with applicable standards. The city council may direct staff or the city attorney to draft proposed form of findings and decision for review and consideration as specified at regularly scheduled council meeting not more than six weeks hence.

H. If the preliminary plat is approved, the applicant shall have three years to submit the binding site plan in accordance with Sections 16.72.020 through 16.72.090. If a binding site plan cannot be recorded within three years, the applicant shall make written request for extension prior to the close of the three year recording period, and may be granted an additional year upon demonstration of good faith effort to file the

site plan. Evaluation of requested extensions will include consideration of whether land use regulations affecting the application have changed since the decision was originally made.

I. If the development is phased the final binding site plans and plat for each phase may be reviewed independently in accordance with the approved time frame.

J. A binding site plan of a MU-PUD and all accompanying documents, together with CC&Rs approved by the city attorney, binding the site to development in accordance with all the terms and conditions of approval shall be recorded by the county auditor, at the applicant's expense.

17.74.070 - MU-PUD application costs/compliance required before building permits.

A MU-PUD applicant shall pay for all costs incurred by the city in processing the MU-PUD application including legal, engineering and planning costs. In addition, the city may require engineering or transportation studies or plans which shall be provided at applicant's expense. No building permits shall be issued until all such fees have been paid and all approval requirements and conditions have been satisfied. An initial deposit to cover estimated costs shall be paid by applicant prior to the city's processing of the MU-PUD application.

17.74.080 - Special use—Cottage dwellings within mixed use MU-PUD.

Smaller housing units on smaller lots (cottage development) within a mixed use planned unit development are a special use, subject to the following site and structural requirements.

- A. Purpose. The purpose of this section is to:
 - 1. Provide opportunities for ownership of small, detached dwelling units within a mixed use planned unit development close to or in a commercial area;
 - 2. Encourage creation of more usable open space for residents and businesses in the development through flexibility in density and lot standards;
 - 3. Further the goal of efficient use of urban residential land and public facilities; and
 - 4. Provide guidelines to ensure compatibility with surrounding land uses.
- B. Special Site Requirements for Cottage Dwellings. The site requirements applicable to cottage development within a MU-PUD are intended to define design parameters of cottages to achieve compatibility with existing and permitted adjacent uses. Density increases and design standards applicable to cottage development are only applicable in that portion of the MU-PUD that accommodates cottages.
 - 1. Floor Area Allowances. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while

anticipating and addressing the varied impacts from each housing type.

	Total Floor Area (square feet)	Ground Floor Area (square feet)	Upper Floor Area (square feet)	Garage Floor Area
Small	≤900	400-800	60% of ground floor	Included in ground floor if attached
Large	>900 ≤1,200	600-900	60% of ground floor	Included in ground floor if attached

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

Some units may be allowed to exceed the upper floor area ratio if the average of the upper floor areas for all cottages in a cluster does not exceed sixty percent of the ground floor areas in the cluster. Approval of this variation in the standard is not subject to variance criteria and does require a finding that the variation of the standard provides for design flexibility that improves the appearance of and spatial relationships between structures in the cottage cluster.

2. Lot Coverage and on Site Stormwater Development Techniques. Lot coverage is limited to no more than forty five percent impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability, e.g. If a graveled path is demonstrated to be fifteen percent permeable then eighty-five percent of the graveled path area would be counted in the impervious surface calculation. The purpose of this requirement is to help insure that surface and stormwater are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and stormwater in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

An on-site stormwater analysis shall be performed by a qualified, Washington licensed professional engineer, considering at a minimum a twenty-five year storm event of fifteen minutes duration. The stormwater control plan shall be approved by the director of public works and shall provide for the on site collection, containment and release of stormwater such that it will not have a deleterious impact to other properties, public or private. All improvements shall be inspected by the public works

director prior to completion. The applicant's licensed engineer shall provide a minimum of two sets of infrastructure "as built" drawings and confirm that all stormwater infrastructure was constructed as per approved design.

3. Cluster Sizes. A minimum of four and a maximum of ten cottage units clustered and focused on a shared common area must be developed to use cottage development density and standards.

More than a single ten unit cluster may be permitted under cottage development standards but separate points of focus (e.g., common areas, parking facilities, meeting rooms or recreational elements) must be provided for each cluster. Special setbacks or buffer areas may be required between clusters if deemed necessary to insure compatibility with surrounding development or adequate separation of cluster communities.

4. Heights. To insure heights are in scale with smaller lots and smaller structures allowed in a cottage development the following height limits shall be employed. Standard height limit for cottage dwellings and accessory structures shall be eighteen feet. Cottage dwellings having a minimum roof pitch of 6:12 may be permitted a maximum height of twenty-five feet to allow second story living area partially under roofline and dormers.

Cottage heights shall be measured from the average grade along each side of the structure to the top of roof. A small portion of a cottage may be allowed to exceed cottage height limits up to the height limit allowed in the underlying zone or twenty-eight feet whichever is less. This allowance may be allowed for an area of the structure not to exceed fifteen percent of the building foot print.

5. Common Areas, Open Space and Facilities. Common Area shall be provided in accordance with the general MU-PUD requirements (this section). Densities allowed through cottage development require that common areas provide some of the amenities and open area that would be provided for on individual lots in standard single-family developments. In addition to the requirements for a general MU-PUD; common areas, open space and facilities, in cottage developments shall be located to provide shared focal points and amenities for each cottage development cluster.

6. Max Densities in Cottage Clusters. The number of dwelling units permitted in a cottage development cluster within a MU-PUD may be increased above the permitted single-family density as follows:

- a. R-2 two-family residential zone may be increased to two hundred percent of the single-family density permitted in the underlying zone.
- b. RMH—residential mobile home zone may be increased to two hundred percent of the single-family density in the R-2 zone.
- c. R-3 multifamily residential zone may be increased to two hundred twenty-five percent of the single-family density permitted in the underlying zone.

NOTE: Minimum lot sizes for cottage development will be minimized. The minimum lot sizes will be the product of compliance with all other standards and criteria applicable to the cottage development as a special use within a MU-PUD.

7. Setbacks. The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason peripheral setbacks (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard)

oriented to benefit from common area, open space and facilities.

- a. Cottage dwellings and their accessory structures must meet setbacks or yard requirements for single-family detached development in the zone in which they are located with respect to the outside perimeter of the MU-PUD.
- b. Setback averaging may be used to meet the front or rear yard setback from the outer perimeter of the MU-PUD but front and rear yard setbacks shall not be less than ten feet from the outer perimeter of the MU-PUD.
- c. Cottage dwellings and their accessory structures must meet the following set backs from lot lines through the interior of the MU-PUD:

Setback/Yard Area	Dimension
Primary yard (typically front, back, or corner side)	10 feet*
Peripheral yards (the three sides not included in the primary yard)	5 feet*

* Setbacks assume parking takes place in a separate parking area. A minimum eighteen foot driveway length shall be maintained inside of curb and sidewalk if a drive way curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.

- d. Extensions of small storage or accessory structures into a peripheral setback may be approved as long as the extension does not exceed one hundred twenty square feet and the resulting building configuration is acceptable to the fire chief and is designed and constructed in accordance with all applicable fire codes.

8. Parking and Covered Storage. Parking requirements are dependent on size of cottage dwelling units and whether or not street designs accommodate on street parking within the cottage development.

	Dedicated	Total
Small (≤900 s.f.)	1	1.5
Large (≤1,200 s.f.)	1	2

- a. The use of primarily commercial parking spaces within the cottage development to meet both commercial and residential parking requirements will be considered. If reasonable shared parking is available it may be allowed to substitute for undedicated parking requirements. The proximity of commercial parking within the cottage development to the locations served and likely timing of demand for shared parking spaces and availability of other on street parking within the cottage development will be considered.
- b. Parking location and screening shall be designed to accomplish the following:

- i. Ensure minimal visual impact to residents surrounding and within the MU-PUD. Screening may be accomplished by covering parking with a structure compatible with residential use (e.g., parking under pitched roof structure or under carriage house or studio/workshop area) or by relying on grading and landscaping;
- ii. Occupy the MU-PUD development site;
- iii. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view;
- iv. Avoid locating around the perimeter of the MU-PUD where parking areas are visible and out of character with surrounding residential development;
- v. Covered storage must be provided for cottage development when covered parking is not provided.

17.74.090 - Special use—Accessory dwelling units in a mixed use MU-PUD.

Accessory dwelling units (ADUs) include habitable living units provided in conjunction with a primary dwelling and meeting the basic requirements of shelter, heating, cooking and sanitation.

A. Purpose:

1. Provide homeowners with a means of obtaining through tenants in either the ADU or principal unit, rental income, companionship, security, and services.
2. Add affordability options to the existing housing base.
3. Allow for development of housing units in mixed use MU-PUDs that are appropriate for people at a variety of life stages.
4. Protect neighborhood stability, property values, and the single-family residential appearance of the community by ensuring ADUs are installed under conditions of this ordinance.

B. Approval Criteria for ADUs.

1. The design and size of an ADU shall conform to all applicable building code standards and is subject to all structural permit requirements for a dwelling. Any modification of structural codes necessary to accomplish construction of an ADU must be granted by the building official responsible for structural review in the city.
2. The ADU shall not exceed forty percent of the primary dwelling's floor area, nor more than eight hundred square feet.
3. A maximum of two bedrooms may be provided in an ADU.
4. An ADU may be developed in either an existing or new residence.
5. A maximum of one ADU per regularly permitted detached single-family dwelling may be permitted. Lots reserving the right to add accessory dwelling units must be identified when the

MU-PUD preliminary plan is submitted. For example: if the base zoning would allow five detached single-family dwellings at the development site, but the MU-PUD would allow for ten, only five ADUs may be developed. The lots reserving the five rights to develop an ADU must reserve that right through site plan review as recorded on the binding site plan. Construction of the ADU may be deferred until a later date after the MU-PUD has been completed and lots sold.

6. Cottage development lots are not eligible for ADUs based on the minimal size of the individually owned parcels.
7. Applicant must be able to demonstrate adequate public facilities to accommodate the projected number of residents.
8. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into existing setbacks.
9. The ADU may be attached to or detached from the primary dwelling and must be designed to retain the appearance of a single residence to the greatest degree possible.
10. The property owner must occupy either the primary dwelling or the ADU as their permanent residence for at least six months of any calendar year. The CC&Rs will specify that rent may be received only for the unit not occupied by the owner and must be verified by the city clerk-treasurer with a one-year lease signed by the owner and renter.
11. One off street parking space, or the potential to create a parking space when the ADU is developed, must be provided for on the binding site plan. This parking space is in addition to spaces required for primary resident(s).
12. To encourage development of housing for people with disabilities, the city may allow reasonable deviation from the stated requirements to accommodate features required to achieve accessibility in an ADU. Such accommodations shall be provided in accordance with the International Building Code (IBC).

C. Review Process for ADUs in a Mixed Use MU-PUD.

1. The right to construct an ADU shall be requested with submittal of the preliminary plan and recorded on the final binding site plan.
2. Building permits are required for ADUs. If the ADU is not constructed during the development of the MU-PUD, the building permit applicant will be required to demonstrate compliance with the above standards prior to receiving land use approval on a building permit.
3. A letter of application must be received from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, not to exceed six months of any calendar year.
4. A notarized acknowledgement signed by the owners, acknowledging the requirements for creating and maintaining an ADU in conjunction with the primary dwelling on the owner's parcel, shall be recorded with the county so that it is a matter of public record and will come to the attention of any future owners.
5. An ADU may be cancelled by the owner filing a notarized certificate with the city for

recording with the county making the termination of the ADU a matter of public record. Cancellation of an ADU may also result from enforcement action if land use approval for the ADU is withdrawn.

17.74.100 - Special use—Cottage and accessory dwelling structural design standards.

To provide for further compatibility with surrounding development, special uses allowed in a MU-PUD are subject to the following additional structural and design standards:

- A. Window and door trim with a minimum of three and one-half inches shall be provided on all special use dwelling units.
- B. Minimum roof eave depths of at least eighteen inches are also required for all special use dwelling units. Eaves are required along all sides of each special use structure unless a variation of this structural standard is accepted by the city through the MU-PUD process.
- C. Front porches having a minimum area of sixty square feet shall be provided for all cottage dwellings.
- D. Exterior lighting shall be minimized and may be allowed if shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be included on the required exterior lighting plan required with to complete a submittal.
- E. Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site.

17.74.110 - Alternative special use—Cottage and accessory dwelling unit designs.

The MU-PUD ordinance and special use sections are created to support design innovation. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The city recognizes that cottages and ADUs, in particular, could be designed in alternate ways and still achieve the overall objectives of the special use standards. An applicant may request a variation to specific standards during special use MU-PUD review. A specific request for variation within a special use area is not subject to variance criteria. Approval of a specific variation can only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

17.74.120 - Special use—Neighborhood meeting requirements.

- A. Any planned unit development [or other application utilizing special uses which allow smaller housing on smaller lots](#) must hold and document a specially noticed neighborhood meeting [as required by this Title](#) prior to completing the development application and before any public hearing is scheduled. [The neighborhood meeting process is available to any applicant wishing to more fully explore a contentious application prior to completing their application for submittal and may be recommended by City staff](#)

during pre-application conference.

B. The "neighborhood meeting" must meet the following requirements:

1. Pre notice identifying the time and place for discussion and providing sufficient description of intended project to allow neighborhood comment shall be mailed to property owners within three hundred feet a minimum of ten days prior to the meeting.
2. The applicant is responsible for setting, noticing and documenting the presentation to and input received from the neighborhood meeting.
3. The applicant must keep a record of all who attend the neighborhood meeting including their stated names and addresses.
4. The applicant must notify the city a minimum of ~~ten~~ fourteen (14) days prior to the meeting and allow for attendance of city staff or other representatives at the meeting.
5. Post notice of the meeting shall be provided to participants by mail documenting the presentation and input received within thirty days following the neighborhood meeting.
6. A record of the meeting shall be included with the applicants completed application. The applicant shall include responses to input with the application or to identify where a proposal is modified to address neighborhood comments.

C. A MU-PUD involving a special use dwelling type will follow the Mixed Use MU-PUD review process once a neighborhood meeting is held and a land use application completed.

Chapter 17.75 - RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD)

17.75.010 - Purpose.

The purpose of this chapter is to provide regulations and procedures to guide residential planned unit development in order to:

- A. Provide flexibility and support for implementation of innovative residential site plans that address diversity in housing types;
- B. Ensure efficient and adequate provision/extension of services in areas where a variety of low density residential and higher density residential uses can co-exist;
- C. Provide opportunities for households of various sizes, ages, and incomes by promoting diversity in the size, type and price of new residential development in the city;
- E. Provide for development of compatible streetscapes and carefully designed lot configuration that accommodates a density comparable with densities permitted in the R-1, R-2, and R-3 zones in specific areas otherwise characterized or surrounded by lower density (1/2 acre lot) development;

F. Facilitate efficient use of land through the application of flexible standards to provide opportunities for permitting innovative and diversified living environments that master plan and employ a creative placement of structures, provision for open space and access ways etc.;

G. Preserve existing landscape features including established trees, vegetation, and drainage ways by supporting planned developments that consider and respond to valuable or unique site characteristics;

17.75.015 – Permitted location and size of R-PUD.

R-PUDs may be permitted only in the city's R-L (low density residential) zoned land on a parcel or contiguous tract of 2 acres or more.

17.75.020 - Permitted uses in R-PUD.

Uses listed in each underlying zone within the project area may be permitted in the R-PUD. Alternative housing types are permitted subject to specified development criteria.

A. Planned uses that can be permitted include:

1. Residential units, either single-family detached or attached units, including planned clusters of cottage dwellings, ADUs, and/or town houses, on their own or in combination with some multifamily as long as all dwelling types meet the applicable definitions and standards in the zoning ordinance,
2. All accessory and conditional uses permitted in residential districts,
3. Recreational facilities, tennis courts, playgrounds, and community halls;

17.75.030 - Permitted modifications and conditions of approval.

A. Planned unit residential developments may be permitted to modify the zoning and subdivision requirements of Title 16 and the balance of Title 17 if consistent with the purposes expressed in Section 17.75.010 and the other applicable requirements of this chapter, except:

1. Exterior setbacks from public streets along the perimeter of the R-PUD unless set back averaging is requested and approved as shown on a preliminary plat and implemented in accordance with the binding site plan;
2. Surveying standards;
3. Engineering design and construction standards of public improvements (not including street right-of-way width and street development standards); and
4. Stormwater and erosion control standards.

B. Modifications of setbacks and other standards in the underlying zones must be shown clearly on a binding site plan.

17.75.040 - R-PUD Development Standards.

A. Size and Permitted Location of residential planned unit development (R-PUD) must comply with the following:

1. The subject parcel must be a single lot or contiguous tract of land greater than or equal to 2 acres.
2. The subject lot or tract of land must be located in R-L (*low density residential zone*).

B. Permitted Density.

1. The number of single-family dwelling units permitted in an R-PUD may be increased above the number permitted in the applicable ½ acre zone as follows:

- a. maximum dwelling unit density shall not exceed eight units per acre (*max density likely to be accommodated in R-1, R-2, or R-3 zones*);
- b. maximum permissible density is presumed to be site and design dependent and approval of development at the maximum permissible density is not assured in every instance;
- c. burden is on the applicant to demonstrate that innovative site planning techniques can be employed to accommodate densities comparable with densities provided for in other city residential zones in a manner that is: responsive to the specific characteristics of the R-PUD site, and compatible with surrounding half acre lot patterns.

2. The permitted density shall be computed to reflect the net density as follows:

- a. Determine the gross development area—subtract from the total site area all land unsuitable for development e.g., wetland, flood hazard areas, steep or unstable slopes, and publicly owned land.
- b. Determine the net development area, net area —subtract from the gross development area the actual percentage of area devoted to the street system to a maximum of twenty percent of the gross development area.
- c. Determine the permitted number of dwelling units—divide the net development area (in acres) by eight.
- d. Eight units per acre is the maximum permitted density for an R-PUD approved in the R-L low density residential zone.

3. The average lot size of single-family dwellings in the R-PUD shall not be less than 2,000 square feet.

4. Density bonus of up to twenty percent over R-PUD density permitted by this subsection (see B.1. & 2.), may be allowed for provision of affordable housing for low and moderate income families (those who have family income of not more than sixty percent of Klickitat County median household income), with appropriate recorded CC&Rs which define such affordable housing as follows and require that the housing remain affordable. For the purpose of this chapter, such affordable housing is defined as residential housing for home ownership where the occupants pay

no more than thirty percent of said gross family income for total housing costs, including utilities other than telephone and cable/satellite television.

5. Protection of Trees. Master planning a larger site provides the opportunity to maintain some valuable native vegetation. A tree inventory shall be completed and submitted with the preliminary master plan. Native trees measuring eight inch caliper or greater measured four feet from ground level (dbh) shall be shown on the inventory and clearly identified for preservation or removal. Large native trees should be preserved wherever practicable in the common areas. Where the decision maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees.

If the developer determines it is necessary to remove more than half the large native trees shown on the site inventory, the developer can be permitted to do so as long as the trees removed are replaced by new native trees in accordance with an approved landscape plan that includes new plantings at least two inches to two and one-half inches in caliper.

Where this requirement would cause an undue hardship, the requirement may be modified in a manner which reasonably satisfies the purpose and intent of this section. Conditions may be imposed to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Dimensional and Improvement Requirements.

1. Building setbacks may be modified in accordance with approval of a binding site plan with the following exceptions:

- a. Single- and multifamily dwellings must meet setbacks and height limits required in the zone in which they are located with respect to the outside perimeter of the R-PUD.
- b. Setback averaging will be allowed from internal lot lines and may be allowed from external lot lines where adjoining parcels are located along the opposite side of a street or where setback averaging is determined to improve the traffic safety and flow, streetscape and/or to be otherwise compatible with surrounding uses.
- c. Standard building setbacks from lot lines through the interior of the R-PUD shall be:

<u>Setback</u>	<u>Dimension</u>
<u>Front and rear</u>	<u>10 feet*</u>
<u>Side</u>	<u>5 feet (except town house common walls)</u>
<u>Side (corner)</u>	<u>10 feet</u>
<u>* A minimum eighteen foot driveway length shall be maintained inside of curb and sidewalk where a driveway curb cut is provided. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks.</u>	

2. Street width, street alignment, ROW width, and other street design standards shall comply with the subdivision ordinance unless access routes through the R-PUD are to serve primarily low volume local traffic. Low volume would be less than four hundred average daily trips. Local road means a road primarily serving a destination in or adjacent to the proposed development and not collecting traffic from other local roads or transporting through traffic. (American Association of State Highway and Transportation Officials, Guidelines for Geometric Design of Very Low Volume Roads, 2005 as hereafter amended).

If streets within the R-PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in street design standards shall be considered initially in a preapplication conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic, not to include street parking and one way streets shall be required to provide for 14 feet of lane width not to include parking.

3. Engineering design and construction standards for all other public improvements, such as water, sewer, on site stormwater retention, etc., will not be modified for R-PUDs.

4. Comprehensive Parking Plans are required. Off-street parking shall be provided in accordance with the requirements of the base zone in which the development is located and in accordance with parking requirements for specific dwelling types. Additional off street parking may be required in lieu of on street parking if street widths are decreased to preclude on street parking. Shared parking may be accepted to meet additional residential parking required due to an absence of on street parking as long as it can be demonstrated to adequately serve demands of the planned residential development.

D. Homeowners Association, Common Facilities, Open Space, Roads, Easements.

1. In any R-PUD a minimum of fifteen percent of the net development area shall be established, maintained and preserved as open space and community facilities by the landowner until such obligations are vested in the R-PUD homeowners' association pursuant to RCW Chapter 64.38 and this chapter. The landowner shall establish a Washington nonprofit corporation for the R-PUD homeowners' association. Within three years of R-PUD approval, ownership and maintenance of all open space, common areas and common facilities shall be vested in the homeowners' association. Common area or amenities established by easement over private lots, may be considered part of the open space and community facility calculation if such easements provide continuing irrevocable community benefits. Articles and bylaws of the homeowners' association and CC&Rs in a form acceptable to the city attorney shall be recorded with the county auditor and shall be binding on all heirs, successors and transferees of landowner, guaranteeing the following:

- a. The continued use of such land consistent with the R-PUD approval;
- b. Continuity of maintenance of roads, landscaping, irrigation, public facilities and open space;
- c. Availability of funds required for such maintenance;
- d. Adequate insurance protection of community facilities; and
- e. That all conditions of R-PUD approval continue to be met and maintained.

2. Open space provided in the R-PUD shall be planned to provide for connectivity with and enhancement of other public improvements, park lands, natural areas or community amenities. Open space means an area intended for common use and shall be designed for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, gazebos and patios, open landscaped areas and community gardens, and green belts with pedestrian and bicycle trails. Open space does not include off street parking, service, or loading areas.

3. Direction to Plant Natives. Planting plans for common areas shall be developed with a predominance of drought tolerant and native vegetation. Owners of independently owned parcels are encouraged to plant natives. Planting of native and drought tolerant species in the common areas is required as a means to decrease water demands for irrigation and increase the survivability of selected plant materials.

4. Landowner shall be required to grant appropriate easements to the city for repair, replacement and maintenance of city utilities and services installed within the R-PUD.

5. At the option of the city or applicant, conditions of approval and other standards can be addressed through a development agreement pursuant to RCW Chapter 36.70B in lieu of or in conjunction with CC&Rs.

17.75.050 - R-PUD approval criteria.

An applicant requesting approval of an R-PUD has the burden of proving, by a preponderance of the evidence that:

A. All applicable standards have been met, modified or can be adequately addressed by conditions of approval;

B. The master plan uses an innovative approach to meet the purposes stated in Section 17.75.010, e.g., it integrates a variety of residential uses, provides community and public benefits, protects existing natural resources, and provides adequate and efficient public services and utilities;

C. The streets, buildings, open space, public facilities and landscaping are designed and located to preserve existing trees, topography and natural drainage;

D. Structures located on the site are located on ground that is not subject to instability;

E. Public services will not be over burdened by the proposed development:

1. The R-PUD plan shall provide direct access to collector or through streets or demonstrate that minor or local streets have the capacity to carry increased traffic to collector or through streets.

2. The applicant shall work with the director of public works and/or city engineer to confirm adequacy of water, sanitary sewer, on site surface/stormwater, and all other utilities. If improvements are determined necessary to accommodate increased demand, improvements will be made at the developer's expense or the city and developer may enter into a development agreement pursuant to RCW 36.70B.170(4) and other relevant provisions of

RCW Chapter 36.70B. All utilities shall be constructed to city approved standards of design, consistent with accepted engineering practices. All utilities shall be underground only.

3. An applicant shall submit proof of adequacy of services including but not limited to: fire and police protection, schools, health care.

F. Incorporation of Existing Dwelling(s) can be accommodated in an R-PUD. An existing detached or attached single-family dwelling that is incorporated into an R-PUD as a residence and is nonconforming, with respect to the standards of the general R-PUD or special use sections, shall be permitted to remain on a R-PUD site. Noncompliance of the structure may not be increased unless the proposed change is determined by the city to be consistent in character, scale and design with the R-PUD as controlled by the binding site plan. If an existing dwelling is retained it is counted as a standard single-family dwelling for density calculations unless it complies with the size requirements to be counted as a special use cottage or accessory dwelling.

17.75.060 - Submittal requirements and review procedures.

A. R-PUD applications shall be reviewed as a subdivision application subject to Title 16 and site plan review pursuant to Section 17.81. A pre-submission conference pursuant to Title 19 will help identify application requirements and a neighborhood meeting is required.

B. Applicant shall comply with Application requirements of Title 19 and include the following additional tabular data and mapped items:

1. Existing zoning;
2. Total site area;
3. Gross project area;
4. Net project area;
5. Total number of dwelling units proposed;
6. Residential density calculation;
7. Open space, common area, and facilities calculation;
8. General description of natural setting and/or aerial and other photos of the site;
9. Proposed development schedule and any plans to phase development;
10. Resulting type of ownership, plans to rent sell and type of ownership planned for common areas;
11. Site maps with graphic scale and north arrow, and topography shown at five-foot intervals, water bodies, critical areas, and important natural features including rock outcroppings, steep slopes, and flood hazard areas;
12. Location and function of all buildings, including heights, nearest setbacks and closest distance between structures;
13. Location and measurement, where applicable, of other proposed improvements;

14. Preliminary landscape diagram identifying use areas, general types of landscape treatment, and areas of irrigated vs. drought tolerant vegetation;

15. Tree survey indicating location of all native trees measuring eight-inch caliper or greater measured four feet from ground and identifying inventoried trees to be removed and to be protected;

16. Preliminary grading plan showing areas of substantial grading or recontouring;

17. Any additional information required by staff and planning commission as necessary to evaluate the character and impact of the proposed R-PUD development;

18. Initial lighting diagram indicating areas of the site to be lighted at night and a qualitative discussion of the type of lighting planned for those areas;

19. Record of neighborhood meeting,

20. Standards which applicant requests be modified and reasons for the modification; and

21. Applicant's proposed conditions of approval.

C. If the proposed site is within shoreline management jurisdiction an application for shoreline substantial development permit along with any other permits required, such as a flood plain permit or other local, state, or federal permits shall be filed.

D. An environmental checklist shall be completed.

E. A completed application shall be evaluated by staff, including emergency personnel, and it shall be reviewed at a public hearing held by the planning commission. If an environmental impact statement is required the final EIS shall be available for at least ten days before the hearing on the proposal.

F. Site Grading and Clearing. Grading and site clearing in preparation for planned development shall not commence prior to approval of a preliminary master plan. This requirement is necessary to ensure that all necessary erosion control measures are in place prior to disturbance and is intended to limit disturbance to that necessary to accommodate the approved planned development.

G. Review of a R-PUD application follows the Type III review procedures in Title 19. City staff and the applicant shall be available. Staff may provide supplemental information and respond to questions from the city council. The city council may approve the preliminary plat with some or all of the planning commission's recommended conditions, and may impose additional conditions. The city council may remand the application to the planning commission to address specific articulated concerns of the city council and/or the council's proposed changes to the preliminary plat and/or conditions. The council may deny the application upon findings of noncompliance with applicable standards. The city council may direct staff or the city attorney to draft proposed form of findings and decision for review and consideration as specified at regularly scheduled council meeting not more than six weeks hence.

H. If the preliminary plat is approved, the applicant shall have five years with the opportunity to extend preliminary approval if deemed reasonable by the City to do so. Final binding site plan shall be submitted in accordance with Chapter 16.30 and Section 17.81.090 through 17.81.100. If a binding site plan cannot be recorded within the initial five years, the applicant shall make written request for extension prior to the close of the two year recording period, and may be granted an additional year upon demonstration of good faith effort to file the site plan. Evaluation of requested extensions will

include consideration of whether land use regulations affecting the application have changed since the decision was originally made. Where possible and applicable; extensions of final binding site plan approval shall be coordinated with timeframes for final subdivision plats submittal and approval.

I. If the development is phased the final binding site plans and plat for each phase may be reviewed independently in accordance with the approved time frame.

J. A binding site plan of an R-PUD and all accompanying documents, together with CC&Rs approved by the city attorney, binding the site to development in accordance with all the terms and conditions of approval shall be recorded by the county auditor, at the applicant's expense.

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17.75.070 - R-PUD application costs/compliance required before building permits.

A R-PUD applicant shall pay for all costs incurred by the city in processing the R-PUD application including legal, engineering and planning costs. In addition, the city may require engineering or transportation studies or plans which shall be provided at applicant's expense. No building permits shall be issued until all such fees have been paid and all approval requirements and conditions have been satisfied. An initial deposit to cover estimated costs shall be paid by applicant prior to the city's processing of the R-PUD application.

17.75.080 – Alternative Housing Types—Cottage dwellings, townhouse, and ADUs within an R-PUD.

Alternative housing types and lot configurations may be employed in the R-PUD. Alternative housing types must meet the following site and structural requirements.

- A. Cottage Dwelling Units and Lots. Cottage development is an acceptable housing type for an R-PUD. Cottage Infill standards and criteria in Chapter 17.73 must be met and though lot and structure sizes may be smaller; density limitations of the R-PUD continue to apply to this housing type in the R-L zone.
- B. Townhouse Dwellings and Lots. Town houses are an acceptable housing type within an R-PUD. Town house design standards and review criteria (Section 17.68.140) must be met, the setbacks and density provisions of the R-PUD in the R-L zone continue to apply.
- C. Accessory Dwelling Units. Accessory dwelling units may be approved within an R-PUD. Such approval must be granted as part of the R-PUD site plan review process and in accordance with design standards and criteria applicable to ADUs (Chapter 17.64). An ADU within an R-PUD does not count toward the overall density count in an R-PUD as long as it complies with all ADU size and use limitations (Chapter 17.64) and is located on a common lot with a principal dwelling.

17.75.110 - Alternative housing type provisions —Cottage, townhouse, and accessory dwelling unit designs.

The R-PUD ordinance is created to support design innovation. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The city recognizes that cottages and ADUs, in particular, could be designed in alternate ways that still achieve the overall objectives of the R-PUD. An

applicant may request approval of a variation on specific standards during R-PUD review. A specific request for variation is not subject to variance criteria. Approval of a specific variation may only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

17.75.120 – Neighborhood Meeting Required

Any Residential Planned Unit Development application requires a specially noticed neighborhood meeting to be held and documented prior to completion of the development application and before any public hearing is scheduled. Such meeting shall comply with Section 17.74.120 – Special use – neighborhood meeting requirements.

Chapter 17.76 - NONCONFORMING USES

Sections:

[17.76.010 - Policy-Purpose.](#)

[17.76.020 - Applicability-Date of establishment.](#)

[17.76.030 - Continuation conditions.](#)

[17.76.040 - Compliance conditions for open land uses.](#)

[17.76.050 - Change or enlargement of uses.](#)

[17.76.060 - Abandonment or discontinuance of uses.](#)

[17.76.070 - Enlargement restrictions.](#)

[17.76.090 - Wear and tear improvements and alterations for unsafe structures.](#)

[17.76.100 - Restoration of damaged structures.](#)

[17.76.110 - Unlawful uses not authorized-Special exceptions.](#)

[17.76.120 - Construction prior to August 19, 1992.](#)

17.76.010 - Policy-Purpose.

It is declared to be the policy of the council to provide regulatory mechanics for nonconforming uses, as found and determined to be reasonable and equitable in many jurisdictions. This policy is pursued in order that nonconforming uses in existence as of September 19, 1973, shall be brought to conformity, or amortized and removed, within such periods of time as are compatible with justice to the owners of properties affected and with interests of the safety, health and general welfare of the city.

17.76.020 - Applicability-Date of establishment.

To benefit from the protection given to a nonconforming use, such use must have been legitimately and lawfully established prior to September 19, 1973.

17.76.030 - Continuation conditions.

Any nonconforming use may be continued for such time and under such conditions as specified in this chapter.

17.76.040 - Compliance conditions for open land uses.

The two alternatives provided to meet in compliance with nonconforming, open land uses are:

- A. The uses of land not having buildings thereon, which do not conform to the use provisions of this title, and which become nonconforming by reason of subsequent amendments shall be discontinued within five years from September 19, 1973; or
- B. All uses of land for outdoor work or storage purposes which, after the adoption of the ordinance codified in this title or amendments thereto, exist as nonconforming uses, be completely enclosed within a view-obscuring fence approved by city council. Such fence shall be of a sufficient height so that the fence and supplemental landscaping will at all seasons of the year completely screen all operations of such establishments from view of adjacent land and buildings.

17.76.050 - Change or enlargement of uses.

No nonconforming use of land shall be changed to another nonconforming use. The lawful use of land existing at the time of the adoption of the ordinance codified in this title may be continued after the provisions of subsection B of Section 17.76.040, although such use does not conform to this title for the district in which the land is located; provided, further, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land or building than that occupied by such use at the time of the adoption of said ordinance, unless by such moving it brings the use closer to conformance with this title.

17.76.060 - Abandonment or discontinuance of uses.

- A. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use.
- B. A nonconforming use, when discontinued or abandoned, shall not be resumed. "Discontinuance or abandonment" means as follows:
 - 1. When improved land, buildings or facilities used as a nonconforming use shall cease to be used for that particular use for twelve consecutive calendar months;
 - 2. When a building designated or arranged for a conforming use, but used for nonconforming activities shall cease to be used for such particular use for a period of twelve consecutive calendar months.
- C. The land from which any nonconforming structure has been removed shall be subsequently used in conformity with the appropriate district regulations.

17.76.070 - Enlargement restrictions.

- A. The enlargement of a nonconforming use to any portion of an existing building, which portion was designated and built for such nonconforming use prior to the passage of the ordinance codified in this title may be permitted, provided no structural alterations are made.
- B. A building designated and built for, or devoted to, a nonconforming use at the time of the passage of the ordinance codified in this title may not be enlarged or structurally altered unless the use of such building is changed to a conforming use, or when such enlargement is permitted by variance in case of evident hardship.
- C. Moving of a nonconforming use to contiguous lots is prohibited.

17.76.090 - Wear and tear improvements and alterations for unsafe structures.

Normal repairs and alterations may be made to a lawful nonconforming building, provided that no structural alterations shall be made, except those required by law. No existing nonconforming structure designed, arranged, intended for or devoted to a use not permitted under this title for the district in which such structure is located shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use permitted under the regulations specified by this title for the district in which the building is located; provided, further, that nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe and ordered to be strengthened or restored to a safe condition, unless such building has been destroyed by an extent exceeding seventy-five percent of full value, as determined by consideration of the assessed value referred to above.

17.76.100 - Restoration of damaged structures.

When a building or other structure containing a nonconforming use is damaged by fire or any other cause so that the cost of renewal of the damaged parts exceeds seventy-five percent of the cost of the replacement of the entire building (exclusive of foundations), using new materials, then such building shall not be rebuilt, unless the building and its construction and uses conform fully to this title and other codes of the city as applied to new buildings and structures and to uses for the district in which it is located, or unless such building restoration construction is commenced within six months of the date of the damage to the structure and is in conformance with all current building codes. The determination of whether a building is destroyed to the extent described above shall rest with the board of adjustment.

17.76.110 - Unlawful uses not authorized-Special exceptions.

Nothing in this title shall be interpreted as authorization for or approval of the continuance of, nor the allowing of a special permit, exception or variance for, the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of the ordinance codified in this title. Any use existing at the time of adoption of the ordinance codified herein which is within the scope of uses permitted by conditional exception or accessory exception in the use district in which the property is situated shall be deemed a conforming use without necessity of any action by the board of adjustment.

17.76.120 - Construction prior to August 19, 1992.

Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the date of adoption of the ordinance codified in this title, and upon which building actual construction has been diligently carried on.

Chapter 17.78 - WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Sections:

- [17.78.010 - Findings.](#)
- [17.78.015 - Purposes.](#)
- [17.78.020 - Exemptions.](#)
- [17.78.025 - Development of towers.](#)
- [17.78.030 - Setbacks.](#)
- [17.78.035 - Structural requirements.](#)
- [17.78.040 - Separation or buffer requirements.](#)
- [17.78.045 - Method of determining tower height.](#)
- [17.78.050 - Illumination.](#)
- [17.78.055 - Exterior finish.](#)
- [17.78.060 - Landscaping/stealth design.](#)
- [17.78.065 - Telecommunications facilities on towers and antenna support structures.](#)
- [17.78.070 - Modification of existing towers.](#)
- [17.78.075 - Certification and inspections.](#)
- [17.78.080 - Maintenance.](#)
- [17.78.085 - Modification of development standards.](#)
- [17.78.090 - Abandonment.](#)
- [17.78.095 - Temporary wireless service facility.](#)
- [17.78.100 - Definitions.](#)
- [17.78.110 - Severability.](#)

17.78.010 - Findings.

- A. The Communications Act of 1934 as amended by the Telecommunication Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:
1. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities; and
 2. The regulation of radio signal interference among users of the RF spectrum.
- B. The city's regulation of wireless telecommunications towers and facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

17.78.015 - Purposes.

- A. The general purpose of this chapter is to regulate the placement, construction, and modification of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time encouraging the development of the competitive wireless telecommunications marketplace in the city.
- B. The specific purposes of this chapter are:
1. To allow the location of wireless telecommunication towers and facilities in the city;
 2. To protect residential zones and visually sensitive areas from potential adverse impact of towers and telecommunications facilities;
 3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 5. To promote and encourage utilization of technological designs that will eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
 6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
 7. To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and
 8. To overcome the potential adverse impacts that poorly or unregulated telecommunications facilities could have on the public health, safety and welfare.

17.78.020 - Exemptions.

The following shall be considered exempt structures or activities under this chapter:

- A. Parabolic or other similar antenna 39.37 inches (one meter) diameter or less regardless of zone;
- B. Parabolic or other similar antennas 78.74 inches (two meters) in diameter or less located in nonresidential zones;
- C. Panel, wave, or other similar antennas ten square feet or less regardless of zone;
- D. Whip or other similar antennas six feet in height and up to two inches in diameter;
- E. Antennas designed to receive local television broadcast signals regardless of zone category;
- F. Low-powered networked telecommunications facilities such as microcell radio transceivers

located on existing utility poles and light standards within public right-of-way. Low-powered, networked telecommunications facilities shall comply with Chapter 17.78 WSMC;

G. Industrial, scientific and medical equipment using frequencies regulated by the FCC;

H. Military, federal, state and local government communication towers used for navigational purposes, emergency preparedness, and public safety purposes;

I. Normal, routine, and emergency maintenance and repair of existing wireless communication facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal law and regulations;

J. Cell on wheels (COW), which are permitted as temporary testing uses in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day, or during a period of emergency as declared by the city.

17.78.025 - Development of towers.

A. Towers may be located in any zone with approval of an unclassified use permit (UUP). Co-location shall be given first priority and may be required. The use of public properties shall be subject to approval by the city and the city's determination that the public's intended use of the site will not be unreasonably hindered. Application for an UUP shall be made to the planning director in the manner provided in this chapter. An application to locate a new tower shall be accompanied by technical information identifying and documenting the need for such a location per subsection C of this section.

B. Towers may not exceed the maximum height allowed for structures in any residential, local commercial or general commercial zone. In industrial, public, and riverfront planned district zones, towers shall be permitted to a height of sixty feet. Towers may be permitted in excess of the stated height limit to a maximum height of one hundred twenty feet only in accordance with a modification approved per Section 17.78.085 WSMC and subject to all conditions of approval applied through that process.

C. An application to develop a new tower shall be by UUP and shall include the following information:

1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the proposed tower is to be situated. If the applicant is not the owner of the parcel of land upon which the proposed tower is to be situated, the written consent of the owner shall be evidenced in the application. If the applicant is not the owner of the property, a copy of the preliminary lease agreement is required to be provided with the application. A copy of the final agreement shall be submitted prior to issuance of a building permit for the structure;

2. The legal description, parcel number, and address of the parcel of land upon which the proposed tower is to be situated;

3. The names, addresses, and telephone numbers of all owners of other towers or antenna support structures, capable of supporting the applicant's telecommunications facilities, within three hundred feet of the proposed tower site, including city-owned property;

4. A description of the design plan proposed by the applicant in the city. Applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including

microcell design, as part of the design plan. The applicant must demonstrate the need for the proposed tower and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services;

5. An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed telecommunications facilities on existing towers or antenna support structures located within a one-half mile radius of the proposed tower site, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible;

6. A written statement by the applicant that the tower will accommodate co-location of additional antennas for future users at a reasonable, market-based cost. If accommodation of future co-location is not proposed, information must be submitted with the application detailing why future co-location is not possible;

7. Written technical evidence from an engineer(s) of the tower's capability of supporting additional telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the proposed tower;

8. A written statement from an engineer(s) that the construction and placement of the proposed tower and telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;

9. It shall be a condition of the UUP approval that certification by the applicant will meet the standards set forth in Section 17.78.035, "Structural requirements";

10. A written statement by the applicant stating the tower and telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;

11. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site with a photo realistic representation of the proposed tower and telecommunications facilities as it would appear viewed from the closest residential property and from adjacent roadways;

12. The city may require a qualified, independent third party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;

13. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;

14. At the time of site selection, the applicant shall demonstrate how the proposed site fits into its overall telecommunications network within the city. This shall include a service area coverage chart for the proposed tower and telecommunications facilities that depicts the extent of coverage and corresponding signal quality at the proposed tower height and at least one height lower than that proposed;

15. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;

16. Copies of any environmental documents required by any federal, state, or local agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

17. A full site plan shall be required for all towers, showing the location, the specific placement of the tower on the site, the type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures;

18. Applicants for new communications towers shall contact all law enforcement, fire, and other public safety and emergency services agencies within the city prior to application submittal to determine whether or not the agencies are interested in co-location and, if so, what the agencies specifications are. If any such agency decides to co-locate, then any new towers approved under this chapter shall be designed for, and the owner shall not deny, co-location.

D. The city shall review applications in a prompt manner and all decisions shall be made in writing and setting forth the reasons for approval or denial.

E. Decisions on UUPs require a public hearing. The public hearing shall be conducted before the planning commission following which the planning commission shall render a decision supported by findings of fact and conclusions of law. Appeal of the planning commission's decision must be submitted within fourteen days to the planning department for consideration by the city council.

17.78.030 - Setbacks.

A. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

B. Setback requirements may be modified, as provided in Section 17.78.085 WSMC, when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees, which may visually hide the tower.

C. Unless exempt from Section 17.78.020 WSMC, telecommunications facilities shall be set back at least

twenty-five feet from each lot line. The planning commission may grant a waiver of up to twenty-five percent of the setback requirement if it is determined that significant trees and other vegetation will be retained by reducing the setback.

D. Towers in excess of the height allowed in each base zone per Section 17.78.025(B) and having received approval of a request for modification of development standards per Section 17.78.085; shall be set back one additional foot per each foot of tower height in excess of the tower height allowed in the base zone without a modification of development standards.

17.78.035 - Structural requirements.

It shall be a condition of the UUP that all towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the building code and any other standards set forth in this chapter. All towers shall be fixed to land.

17.78.040 - Separation or buffer requirements.

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

A. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to the zoning code:

1. Monopole tower structures shall be separated from other telecommunications towers by a minimum of seven hundred fifty feet.
2. Self-supporting or lattice tower structures shall be separated from other telecommunications towers by a minimum of one thousand five hundred feet.

B. Tower separation distances from any property that is zoned residential shall be set back one foot for each foot of tower height.

C. Separation or buffer requirements may be modified as provided in Section 17.78.085 WSMC.

17.78.045 - Method of determining tower height.

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from average pre-construction grade.

17.78.050 - Illumination.

Towers shall not be artificially lighted except as specified by the Federal Aviation Administration (FAA). If lighting is demonstrated to be required by the FAA as the only means to achieve compliance with FAA safety standards, dual mode lighting shall be requested from the FAA.

17.78.055 - Exterior finish.

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning commission.

17.78.060 - Landscaping/stealth design.

All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require on-site landscaping in excess of the requirements in the zoning code in order to enhance compatibility with adjacent land uses. Tower development shall preserve the pre-existing character of the site as much as possible. Towers and accessory equipment structures (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved to the extent possible or improved upon to provide vegetative screening.

The perimeter of a wireless communication support structure shall be enclosed by a fence or wall at least six feet in height. Evergreen trees shall be planted surrounding the support structure in a manner approved by the city. In any residential, local commercial, or general commercial zone, the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions. Ground equipment may be required to be located within a structure and the structure may be required to contain design elements (e.g., wood or wood look siding, pitched roof and overhangs) as deemed necessary to ensure compatibility between ground equipment and the surrounding neighborhood.

17.78.065 - Telecommunications facilities on towers and antenna support structures.

Telecommunications facilities may be permitted on any tower or antenna support structure. Application for a conditional use permit shall be made to the planning director in the manner provided in this chapter for telecommunications facilities that are not exempt per Section 17.78.020 WSMC. The applicant shall, by written certification to the planning department, establish the following at the time plans are submitted for a building permit:

- A. A conditional use permit application to develop telecommunications facilities shall include the following:
 - 1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower or antenna support structure is situated. If the applicant is not the owner

of the parcel of land upon which the tower or antenna support structure is situated, the written consent of the owner shall be evidenced in the application;

2. The legal description, parcel number, and address of the parcel of land upon which the tower or antenna support structure is situated;
3. A description of the design plan proposed by the applicant. The applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan;
4. A written statement from an engineer(s) that the construction and placement of the telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;
5. It shall be a condition of any conditional use permit approval that the applicant shall provide certification that the proposed structure will meet the standards set forth in Section 17.78.035 WSMC;
6. A written statement by the applicant stating the telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
7. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo-simulations showing the tower or antenna support structure with a photo-realistic representation of the proposed telecommunications facilities, as it would appear viewed from the closest residential property and from adjacent roadways;
8. At the request of the planning director, the city may require a qualified, independent third-party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;
9. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;
10. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;

11. Copies of any environmental documents required by any federal agency, if available. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

12. A full site plan shall be required for all sites, showing the location, the specific placement, type and height of the proposed telecommunications facilities, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications facilities, the location of existing towers and antenna support structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures.

B. Telecommunications facilities that are not appurtenant structures and that are located above the top of the antenna support structure shall be appropriately screened from view through the use of panels, walls, fences, setbacks from the edge of the antenna support structure or other screening techniques approved by the city. Screening requirements shall not apply to stealth antennas that are mounted below the top of the antenna support structure but which do not protrude more than eighteen inches from the side of such an antenna support structure.

17.78.070 - Modification of existing towers.

A. A tower existing prior to the effective date of the ordinance codified in this chapter, which was in compliance with the city's zoning regulations immediately prior to the effective date of the ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this chapter, except for Sections 17.78.040(B) (requiring that existing legal nonconforming facilities be considered when siting of new facilities is reviewed), 17.78.075, and 17.78.080 WSMC, provided that:

1. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in size to the discrete operating telecommunications facilities of any person currently installed on the tower and with a surface area not to exceed the previous facilities.

2. An application for a development permit is made to the planning department which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this section allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.

3. The height of the modified or rebuilt tower and telecommunications facilities attached thereto does not exceed the existing height of the tower and facilities as of the date of the ordinance codified in this chapter or as hereafter amended, whichever is higher.

B. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size. A nonconforming structure or use may not be discontinued in use for a period of more than one hundred eighty days without being brought into compliance with this chapter. This chapter shall not be interpreted to legalize any structure or use existing at the time the ordinance codified in this chapter is

adopted which structure or use is in violation of the zoning code prior to enactment of this chapter.

17.78.075 - Certification and inspections.

- A. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the building code and all other construction standards set forth by the White Salmon Municipal Code and federal and state law including FCC and National Electric Safety Code regulations. For new towers, such certification shall be submitted with an application pursuant to Section 17.78.025 "Development of towers" of this chapter.
- B. The city or its agents shall have authority to enter onto the property upon which a tower is located, to inspect the tower for the purpose of determining whether it complies with the building code and all other construction standards provided by the White Salmon Municipal Code and federal and state law.
- C. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards, set forth by the White Salmon Municipal Code has occurred, remedy of the violation may include cost recovery for all costs incurred in confirming and processing the violation.

17.78.080 - Maintenance.

- A. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- B. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- C. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- D. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed contractor.
- E. All towers shall maintain compliance with current RF emission standards of the FCC.
- F. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

17.78.085 - Modification of development standards.

- A. Notwithstanding the tower requirements provided in this chapter, a modification to the development

standards may be approved by the planning commission as an unclassified use in accordance with the following:

1. In addition to the requirement for a tower application, the application for modification shall include the following:
 - a. A description of how the proposed plan addresses any adverse impact that might occur as a result of approving the modification;
 - b. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the proposed modification;
 - c. A technical study that documents and supports the applicant's need (criteria submitted by the applicant) upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;
 - d. For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for co-location, and the result of such attempts;
 - e. The planning department may require the application to be reviewed by a qualified, independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the engineer shall be reimbursed to the city by the applicant.
2. The planning commission shall consider the application for modification based on the following criteria:
 - a. That the tower as modified will be compatible with and not adversely impact public health and safety of surrounding areas;
 - b. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification;
 - c. In addition, the planning commission may include conditions on the site where the tower is to be located if such conditions are necessary to mitigate any adverse impacts which arise in connection with the approval of the modification.

B. In addition to the requirements of subsection A of this section, in the following cases, the applicant must also demonstrate, with written evidence, the following:

1. In the case of a requested modification to the setback requirement. Section 17.78.030 WSMC, that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the applicant is to locate the tower at another site which is closer in proximity to a residentially zoned land or land that is more visually sensitive.
2. In the case of a request for modification of the separation and buffer requirements of Section 17.78.040 WSMC, that written technical evidence from an engineer(s) demonstrates that the proposed tower must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system, and that the applicant is willing to create approved

landscaping and other buffers to screen the tower.

3. In the case of a request for modification of the height limit for towers or to the minimum height requirements for antenna support structures, that the modification is necessary to: (a) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (b) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than one hundred twenty feet shall be approved in any case.

17.78.090 - Abandonment.

A. If any tower shall cease to be used for a period of one hundred eighty consecutive days, the planning department shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the planning commission that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the city council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower.

B. To secure the obligation set forth in this section, the applicant (and/or owner) shall post a performance bond for the purpose of ensuring adequate removal of the tower upon termination of its use. The performance bond shall be equal to or greater than one hundred fifty percent of the estimated cost of removal of the tower, but not less than five thousand dollars. Proof of performance bonds shall be submitted prior to final permit approval.

17.78.095 - Temporary wireless service facility.

The use of a temporary wireless service facility may be permitted by the city. A temporary wireless service facility is the use of equipment such as a COW or an antenna on a bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless facility. Such temporary facility may only be utilized in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day for the purpose of evaluating the technical feasibility of a particular location for placement of a personal wireless facility or for providing communications during an emergency.

17.78.100 - Definitions.

General. Words and terms in this section are included because of special or particular meanings as they are used in these regulations. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Antenna" means any pole, panel, rod, reflection disc including satellite earth station antenna as defined by

47 CFR Sections 1.4000 and 25.104, or similar device used for the transmission and/or reception of radio frequency signals.

"Antenna support structure" means any building or structure other than a tower which can be used for location of telecommunications facilities.

"Applicant" means any person that applies for approval from the city.

"Application" means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, erect or use such parcel of land. "Application" includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

"Low-powered, networked telecommunications facilities" means those facilities with maximum transmitter peak output power that do not exceed one watt and are less than fourteen inches by sixteen inches by eight inches with an antenna no greater than thirty inches.

"Stealth" means relating to siting strategies and technological innovations designed to enhance compatibility with adjacent land uses by designing structures to resemble other features in the surrounding environment. "Stealth" techniques include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to resemble light poles, power poles, flag poles, street standards, steeples, or trees, etc.

"Street right-of-way line" means the boundary line between a street and abutting property.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.

"Telecommunications facilities or wireless telecommunications facilities" means any antennas, cables, wires, lines, wave guides, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

"Tower or wireless telecommunications tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

17.78.110 - Severability.

That if any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect.

Chapter 17.80 - CONDITIONAL USES, VARIANCES, AND APPEALS AND SITE PLAN REVIEW

Sections:

- [17.80.010 - Policy and intent.](#)
- [17.80.020 - Board of adjustment—Created.](#)
- [17.80.030 - Board of adjustment—Membership.](#)
- [17.80.040 - Board of adjustment—Quorum.](#)
- [17.80.050 - Board of adjustment—Powers and duties.](#)
- [17.80.055 - Conditional Use Permit Purpose and Criteria](#)
- [17.80.058 - Variance Purpose and Criteria](#)
- [17.80.059 - Appeals](#)
- [17.80.060 - Conditional use permit or variance—Hearing.](#)
- [17.80.070 - Appeals—Filing time.](#)
- [17.80.080 - Appeals Hearing Notice.](#)
- [17.80.090 - Appeals Board of adjustment powers.](#)
- [17.80.100 - Finality of decisions.](#)
- [17.80.110 - Written records and findings.](#)
- [17.80.120 - Site plan review.](#)
- [17.80.130 - Site plan review committee.](#)
- [17.80.140 - Procedures.](#)
- [17.80.150 - Approval procedure.](#)
- [17.80.160 - Revisions.](#)

17.80.010 - Policy and intent.

It is the policy of the ~~board~~ City to provide for standard review, the relief in cases of hardship, and a process of appeal to govern situations in which implementation of these regulations requires or benefits from the broader perspective represented by an appointed panel of representatives or in which parties affected by these zoning regulations allege improper administrative actions.

17.80.020 - ~~Board of adjustment~~ Planning Commission—Created.

To carry out the intent and policy of the ~~board~~ City, a ~~board of adjustment~~ Planning Commission is created.

17.80.030 - ~~Board of adjustment~~ Planning Commission —Membership.

~~The board of adjustment shall consist of five voting members, all of whom shall serve without compensation. The members of the board of adjustment shall be appointed, serve, and be removed in accordance with the provisions of RCW Chapter 35.63. Pursuant to Chapter 35.63 RCW, there is created a city planning commission, which shall consist of five (5) voting members appointed by the mayor and confirmed by the city council; all shall be residents of the city except the mayor and city council may, by council resolution, temporarily extend the term of a commissioner who, during his or her term, moves out of the city, to provide for continuity of specific projects or planning processes.~~

17.80.040 - ~~Board of adjustment~~ Planning Commission —Quorum.

The presence of three voting members shall constitute a quorum.

17.80.050 - ~~Board of adjustment~~ Planning Commission —Powers and duties.

The jurisdictional duties and powers of the board of adjustment are as follows: The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter 35.63 RCW, together with any other duties or authority which may hereafter be conferred upon them by laws of the state of Washington, the performance of such duties and the exercise of such authority to be subject to each and all the limitations expressed in Chapter 35.63 RCW.

The city council may refer to the planning commission for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter 35.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper.

The commission shall elect its own chair and vice chair and fill such other offices as it may determine necessary. The commission will have a regular monthly meeting date upon which it will convene to do business as necessary in response to citizen or city council requests. Business shall be conducted in accordance with state law and rules adopted by the planning commission. Written record shall be kept of all meetings, resolutions, transactions, findings, and determinations, which record shall be of public record.

17.80.055 - Conditional Use Permit Purpose and Criteria

Planning Commission shall hear and decide applications for conditional uses in certain districts; provided that any conditional use permit granted is subject to and consistent with the following conditional use permit review provisions:

1. Purpose. The purpose of the conditional use permit process is to provide flexibility in the city's land use regulations in order to accommodate uses which may be appropriate in an established zone under certain circumstances, but inappropriate in the same zone under others. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to the goals and policies established in the city's comprehensive plan and the purpose of the zoning designation and this regulation. This review shall determine whether the proposed use should be permitted by weighing the public need or the benefit to be derived from the use, against the impact which it may cause.
2. Scope. This section shall apply to each application for a conditional use permit including both primary and accessory uses.
3. Application Submittal and Contents.
 - a. The application for a conditional use permit shall be submitted to the city on forms provided by the city, along with the appropriate documentation and signatures. The application shall include all materials required pursuant to city regulations.
 - b. Specific submittal requirements determined to be unnecessary for review of an application may be waived by the city.

4. Permit Review Process. Applications for conditional uses shall be processed [as a Type II decision](#) according to procedures set forth in ~~this~~ Title [19](#).
5. Approval Criteria. The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:
 - a. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;
 - b. The conditional use will be served by adequate public facilities including streets, fire protection, parking, water, sanitary sewer, and storm water control;
 - c. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel;
 - d. The conditional use has merit and value for the community as a whole;
 - e. The conditional use is consistent with the goals and policies of the city of White Salmon's comprehensive plan;
 - f. The conditional use complies with all other applicable criteria and standards of the White Salmon Municipal Code; and
 - g. That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.
6. Additional Conditions. The city may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:
 - a. Increase requirements in the standards, criteria or policies established by this chapter;
 - b. Stipulate an exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;
 - c. Require structural features or equipment essential to serve the same purposes as set forth in subsection B of this section;
 - d. Impose conditions similar to those set forth in subsections (A)(6)(b) and (c) of this section, as deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters;
 - e. Require reporting by the applicant or operator on a regular basis sufficient to demonstrate continued compliance with all conditions of approval.
7. Authority to Deny. The city may deny any conditional use request when adverse impacts reasonably expected to result from the use cannot be avoided, eliminated or mitigated to an

acceptable degree.

8. Use of Property Before Final Decision. No business license or building permit shall be issued for any use involved in an application for approval for a conditional use permit until the permit application becomes effective.

9. Conditional Use Permits—Effective Period.

a. A decision granting a conditional use permit shall become effective upon the date of such decision.

b. A conditional use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the conditional use permit unless:

(i) The applicant has received an extension of time for the conditional use permit subject to city extension requirements.

(ii) The conditional use permit approval provides for a greater time period.

10. Extension of Time.

a. The city may extend a conditional use permit, not to exceed one year, if [the the applicant demonstrates good cause to the City's satisfaction that:](#)

(i) Unforeseen circumstances or conditions necessitate the extension of the permit;

(ii) Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and

(iii) An extension of the permit will not cause substantial detriment to existing use in the immediate vicinity of the subject property.

b. The director of the development services department may grant no more than two extensions. A second extension may be granted only if:

(i) The criteria listed in this subsection are met;

(ii) The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and

(iii) Conditions in the immediate vicinity of the subject property have not changed substantially since the conditional use permit was first approved.

11. Modification of Conditional Use Permit. The city may initiate a modification to an approved conditional use permit. A modification will be processed as a new conditional use permit but will consider only the impacts and mitigation related to the proposed modification. Through the modification procedure, the city may delete, modify or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land use.

12. Conditional Use Permit to Run with the Land. A conditional use permit granted pursuant to the provisions of this section shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application. No other use is allowed without approval of an additional conditional use permit.

17.80.058 - Variance Purpose and Criteria

Application for variances from the terms of this chapter; provided, that any variance granted shall be subject to such conditions as will assure compliance with the following purpose and criteria:

1. Purpose. The purpose of the variance process is to provide a mechanism whereby the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this chapter and of the White Salmon comprehensive plan can be fulfilled.
2. Scope. This section shall apply to each application for a variance from the provisions of this chapter.
3. Application Submittal and Contents. The application for a variance shall be submitted to the city on forms provided by the city, along with the appropriate fees established by city fee regulations. The application shall include all materials required pursuant to application requirements.
4. Permit Review Process. Variance applications shall be processed [as a Type II decision](#) according to the procedures ~~set forth in Title 19 for conditional use or variance hearings~~
5. Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:
 - a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;
 - b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
 - c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
 - d. The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;
 - e. The special circumstances of the subject property are not the result of the actions of the applicant;
 - f. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;

- g. The variance is consistent with the purposes and intent of this chapter;
- h. The variance is consistent with the goals and policies of the White Salmon comprehensive plan; and
- i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

17.80.059 - Appeals

Appeals. The applicant may appeal any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this chapter per provisions of Title 19 Article 5 Appeals.

17.80.060 - Conditional use permit or variance—Hearing.

Upon filing of an application for a conditional use permit or a variance, the Planning Commission board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be mailed pursuant to the procedures of Title 19, to all property owners of record within a radius of three hundred feet of the exterior boundaries of a subject property. The written notice shall be mailed not less than fourteen days prior to the hearing.

17.80.070 - Appeals—Filing time.

Any person aggrieved, or by any officer, department, board or bureau affected by any decision of an administrative official Appeals may be entitled to file an appeal be pursuant to the procedures set forth in Title 19, which shall be the exclusive section for administrative and land use appeals in this code. taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the city within thirty days of the date of the action being appealed.

17.80.080 – Appeals-Hearing-Notice-

Upon filing of an appeal from an administrative determination, or from the action of the director of planning, the board of adjustment shall set the time and place at which the matter will be considered. At least a fourteen-day notice of such time and place, together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least fourteen days' notice of time and place shall also be given to the adverse parties of record in the case. The official from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the record pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

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17.80.090 – Appeals-Board of adjustment powers-

In exercising the powers granted herein, the board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order,

~~requirement, decision or determination as should be made, and to that end shall have all the powers of the official from whom the appeal is taken, insofar as the decision on the particular issue is concerned.~~

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~~**17.80.100 - Finality of decisions.**~~

~~The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the director of planning or an administrative officer shall be final and conclusive unless, within ten days from the date of the action, the original applicant or an adverse party makes application to court of competent jurisdiction for a writ of mandamus.~~

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~~**17.80.110 - Written records and findings.**~~

~~The board of adjustment shall, in making an order, requirement, decision or determination, include in a written record of the case findings of fact upon which the action is based.~~

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~~**17.80.120 - Site plan review.**~~

~~The purpose of site plan review is to provide a mechanism to review site plans of proposed developments in zoning districts in which the proposed use is an outright permitted use but is considered to have impacts which may affect the surrounding properties or area. The issue to be resolved is not whether the development can proceed, but rather how it will proceed and with what, if any, mitigating measures will be required.~~

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~~**17.80.130 - Site plan review committee.**~~

~~The planning commission is designated as the site plan review committee. The site plan review committee shall recommend to the city council, disapproval, approval, or approval with conditions, site plans for all proposed new buildings or structures in the zoning districts where site plan review is required.~~

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~~**17.80.140 - Procedures.**~~

~~*Site plans shall be review pursuant to the procedures of Chapter 18.* Before any building permit shall be issued in any zoning district subject to site plan review approval, a site plan for the total parcel of development shall be prepared and submitted to the site plan review committee for recommendation. The site plan shall be drawn to scale and shall indicate the following:-~~

- ~~A.—Dimensions and orientation of the parcel to be developed;~~
- ~~B.—Locations of buildings and structures, both existing and proposed;~~
- ~~C.—Location and design of off-street parking and loading facilities;~~

- D.—~~Location of points of entry and exit for motor vehicles, and the internal circulation pattern;~~
- E.—~~Locations of walls and fences and an indication of the proposed height and materials of construction;~~
- F.—~~Location of exterior lighting standards and devices;~~
- G.—~~Location and size of exterior signs and outdoor advertising;~~
- H.—~~Location of landscaping;~~
- I.—~~Grading and drainage plan;~~
- J.—~~Proposed heights of buildings and structures;~~
- K.—~~Proposed uses of buildings and structures;~~
- L.—~~Any other architectural or engineering data as may be required by the site plan review committee in order to make the necessary findings to assure the provisions of this title have been met.~~

~~**17.80.150 - Approval procedure-**~~

~~*Site plans shall be review pursuant to the procedures of Chapter 18.* Within thirty days after the submission of a complete site plan, the site plan review committee shall recommend to the city council, disapproval, approval or approval with conditions the site plan. Failure to render a decision within the thirty-day period shall be deemed approval of the site plan as submitted. In approving the site plan, the committee shall find all relevant provisions of the title have been met, and all buildings and facilities, access points, parking and loading facilities, signs, lighting, walls and fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be minimal adverse impact on surrounding property.~~

~~**17.80.160 - Revisions-**~~

~~Revisions to the site plan by the applicant after recommendation by the committee shall again be reviewed by the committee following the procedures set forth in this title *and Chapter 18*. Where a required site plan review approval has been given, it shall be unlawful for any person to cause or permit the construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan.~~

Chapter 17.81

SITE AND BUILDING PLAN REVIEW*

Sections:

17.81.010 Definitions.

17.81.020 Purpose.

- 17.81.030 Title.
- 17.81.040 When required.
- 17.81.050 Application.
- 17.81.060 Review process.
- 17.81.070 Optional phased development plan.
- ~~17.81.080 Certificate for use or occupancy.~~
- 17.81.090 Expiration of approval.
- 17.81.100 Extension of approval.
- 17.81.110 Penalty.
- 17.81.120 Utility construction.

17.81.010 Definitions.

As used in this chapter, the following terms are defined:

- A. "Existing use" means that use, or uses, to which a parcel of land is currently subject, or has been subject within two (2) years of the proposal. A lot may have more than one (1) "existing use."
- B. "Improvement" means addition to a site such as, but not limited to, utility lines, roadways, walkways, drainage devices, paving, grading and/or excavating which changes the natural topography of the site.
- C. "Modified proposal" means an amended proposal showing modifications which directly address the reasons for its original rejection.
- D. "Normal maintenance or repair" means that work which is necessary or intended to maintain a structure at the same level of soundness, livability and appearance that it originally held.
- E. "Significant change in use of site" means one which creates a change or increase in usage of city utilities, or would cause a different pattern or amount of public use of the structure, available parking or traffic, or increase sources of public nuisance factors.
- F. "Substantial change of appearance of a structure" means modification of the structure's profile (elevation) or footprint that increases the height or width or length of the structure's profile by more than four (4) feet or increases the structure's footprint by more than one hundred twenty (120) square feet. (Ord. 710 § 005, 1994)

17.81.020 Purpose.

The purpose of a site plan review is to ensure:

- A. That all new development is in accordance with applicable standards and regulations;
- B. Compatibility is achieved between new developments, existing uses and future developments;
- C. That development proposals will comply with density requirements and design standards which have been adopted for applicable zoning district(s); with environmental requirements; and with standards of public safety;
- D. Opportunity for public awareness of new development proposals and opportunities for public comment are provided when discretion is exercised in a site plan review.

17.81.030 Title.

The planning commission is designated as the site plan review committee. The site plan review committee reviews site plans referred to the Committee as a Type II project review per Chapter 19.10.230. The planning administrator shall decide site plan review for applications specified in Section 17.81.060.

17.81.040 When required.

Site plan review and approval shall be required prior to:

- A. Site preparation, e.g. grading, or construction of improvements;
- B. A significant change in use of a building or other structure;
- C. Construction of any new building or structure;
- D. Remodeling of an existing building, structure, roadway and parking area within the city; or
- E. Significant change in use of a site.

Exceptions.

- 1. All single family uses permitted in RL, R-1, R-2, and R-3 Zones;
- 2. Minor construction which does not substantially change the appearance of the structure such as:
 - a. Normal maintenance or repair;
 - b. Construction such as roof or siding replacement.
- 3. Changes in the use of an existing building from one permitted use to another. At the discretion of the staff, a site plan review may be waived if the overall character or use of the site is not significantly altered by the change in use and anticipated impact of the use does not alter applicable standards.

The provisions of this chapter shall apply equally to public and private projects or proposals, except that city projects shall be exempt from the fee requirements.

17.81.050 Application.

The application shall consist of a project description, a site plan, a preliminary building plan, an environmental checklist, if applicable, and a filing fee.

The site plan and preliminary building plan shall be submitted as originals plus four (4) copies. Additional copies may be requested if needed.

- A. Project Description. Shall be a brief description of the development proposal, including the following:
 - 1. Names, addresses and phone numbers of owner, developer and architect or engineer;
 - 2. Proposed use of the land and building: Nature of the business or activity;
 - 3. Existing uses of neighboring lands within two hundred (200) feet of the site;
 - 4. Estimated number of employees at full employment;
 - 5. Estimated number of customers/visitors, describing variations that may occur due to season, etc.;
 - 6. Number and type of deliveries and delivery vehicles;
 - 7. Type of waste and manner of storage and removal;
 - 8. Utilities and volume of use expected;
 - 9. Nuisance aspects, such as noise, smoke, odors, etc.;
 - 10. Hazardous aspects, such as chemicals, heavy metals;
 - 11. Estimated dates of construction start and completion;
 - 12. Legal description of the lot or lots; and
 - 13. Estimated cost of project.
- B. Site Plan. Shall be a detailed drawing or drawings containing the following information:
 - 1. Name of owner, developer and architect or engineer;
 - 2. North arrow, scale and title of proposed project;
 - 3. Complete lot or lots, legal boundaries and markers;
 - 4. All existing and proposed buildings and structures showing outside limits and dimensions;
 - 5. Proposed site drainage plan;
 - 6. Existing and proposed utilities;
 - 7. Elevation contours every two (2) feet, or at staff discretion, including maximum extent of grading NOTE: a grading and erosion control plan may also be required at discretion of city staff;

- 8. Location and design of signs;
- 9. Refuse storage areas with screening provisions;
- 10. Landscaping;
- 11. Sufficient clear space on the face of the plan to accommodate the city stamp, in event of approval (three (3) inches by three (3) inches);
- 12. All existing and proposed means of vehicular and pedestrian ingress and egress to and from the site and structures, the size and location of driveways, streets, roads, curbs, parking lots and pedestrian pathways and sidewalks, and bike paths;
- 13. Natural features;
- 14. Fences, light poles, and exterior light fixtures.

C. Building Plan.

1. Preliminary floor plans, elevations and descriptive sections of all proposed buildings and structures. Materials and finishes shall be indicated. The preliminary plans shall be sufficiently detailed to show the size, shape, uses and character of the intended buildings and structures.

Note: Complete and detailed plans and specifications for all proposed buildings and structures shall be submitted to the City Building Official at the time of applying for building permits for the approved proposal or portion thereof.

D. Environmental Checklist. Unless the pro-posed project is exempt under SEPA Rules, an environmental checklist must be completed and submitted to the city along with the applicable fee. This fee is nonrefundable.

E. Other Permits. Final approval of the site and building plan review will be contingent upon issuance of any other applicable environmental permits, such as shorelines, hydraulics, septic tank and water quality permits.

F. Filing Fee. An application fee as set forth in Chapter 3.32 of this code for site plan review is required at the time of submittal of the proposal.

17.81.060 Review process.

A. An application for a site and building plan review shall be processed according to Type I-b land use decisions established in Chapter 19.10, Land Use Administrative Procedures for projects that:

- 1. Comply with the permitted uses for the subject zone district;
- 2. Do not include a use classified as a use permitted subject to site plan review; and
- 3. Clearly require no modification or alteration of applicable standards.

B. An application for a site and building plan review shall be processed according to Type II land use decisions established in Chapter 19.01, Land Use Administrative Procedures for projects that:

- 1. Include a use classified as a use permitted subject to standards and/or site plan review
- 2. Involve a mixed use planned unit development (MU-PUD) or other review process triggering the need for a binding site plan;
- 3. Require modification to or variation of a standard;
- 4. Require a change in zone; or
- 5. Include a use classified as a conditional use in its zone district.

C. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.

D. Amendment of Site Plan. A site plan approved by the city may be amended by the same procedures provided under this chapter for original plan approval. The fee may be waived for amendments submitted within one (1) year of the date of approval on the original site plan and for relatively minor new work including, but not limited to work such as, a fence, refuse enclosure, or other minor changes. If a building

permit has been issued for an approved project, an amended site plan shall require a new building permit unless waived by the Building Official. (Ord. 839 § 3, 2003; Ord. 710 § 040, 1994)

17.81.070 Optional phased development plan.

A. Whenever a planned use of land is to be implemented in phases over a period of years, the applicant shall request review and approval of the phased development plan.

B. In the case of a phased development, each phase shall be subject separately to the two (2) year performance standard provided in Section 17.81.090 unless a modified time frame is expressly stated in the land use decision approving the project. The starting and completion dates of each phase shall be stated in the application. (Ord. 710 § 050, 1994)

17.20.080 Certificate for use or occupancy.

~~No building or structure shall be used or occupied until the Building Official has issued a certificate of use or occupancy under Section 308 of the UBC. A certificate of use or occupancy of a development shall not be issued by the Building Official until all improvements have been completed according to the approved site and building plans. The developer may apply for a certificate of use or occupancy in advance of completion of the project. The application for the certificate will not be accepted for review by the city until the project is ninety (90) percent complete, as determined by the Building Official, and must be accompanied by a bond, or other similar instrument at the direction of the Building Official, in the amount of the full cost to complete the unfinished work. (Ord. 710 § 060, 1994)~~

17.81.090 Expiration of approval.

The approval of a site and building plan shall be revoked and nullified if within two (2) years of the date the city approved the plan, construction has not been started or is not substantially completed. (Ord. 710 § 070, 1994)

17.81.100 Extension of approval.

The approval of a site plan may be extended for another year provided that:

A. Within the initial two (2) year approval period, the applicant requests in writing a time extension, stating his reasons for the extension request; and

B. No change has been made in the plan; and

C. No significant change has been made to the standards and criteria applicable to the proposed application since its original submittal; and

C. A fee may be charged by the City in accordance with the City fee schedule at the time extension is made; and

17.81.110 Approved Site Plan is Binding - Penalty.

A. Any development or use which fails to conform to the approved plan shall be a violation of this chapter punishable as provided in Section 17.92, below. Upon verification by the City Building Official that development has proceeded or a use or structure has been altered in a manner so as not to conform to the finally approved and signed plan, he shall issue and enforce a stop-work order halting any and all construction on a lot, parcel, or tract of land and/or enforcement proceedings may begin.

B. Any use of land which requires site and building plan review and approval as provided in this chapter, for which such review and approval is not obtained shall constitute a violation of this chapter. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to, or in violation of any of the provisions of this chapter.

17.81.120 Utility construction.

The developer shall be responsible for construction of all utilities within the boundaries of the proposed development. Where connection with public infrastructure is planned the method and design of connection shall be approved prior to construction and will be subject to inspection while the point of connection is still easily visible.

~~Chapter 17.84 - AMENDMENTS~~

Sections:-

~~17.84.010 - Boundary line or zone changes - Council authority.~~

~~17.84.020 - Boundary line or zone changes - Application.~~

~~17.84.030 - Zoning regulation changes.~~

~~17.84.010 - Boundary line or zone changes - Council authority.~~

~~The council may, upon proper application, upon recommendation of the planning commission, or upon its own motion, and after the public hearing and referral to and report from the planning commission, change by resolution the district boundary lines or zone classifications as shown on the zoning map, provided such change is duly considered in relationship to a comprehensive plan as required by the laws of the state.~~

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~~17.84.020 - Boundary line or zone changes - Application.~~

~~An application for a change of zone classification or district boundary lines, submitted by the property owner or his authorized representative, shall be filed with the director of planning at least fourteen days before a regularly scheduled meeting of the planning commission. The petition shall be accompanied by a check made payable to the city in the amount as adopted by the city council, which shall be nonrefundable, and used to cover costs incurred in connection with the posting of the premises, mailing of notices, and conducting the hearing as provided in this title.~~

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~~17.84.030 - Zoning regulation changes.~~

~~The council may, upon recommendation of the planning commission, or upon its own motion, after public hearing and referral to and report from the planning commission, amend, delete, supplement or change by resolution the regulations established in this title, provided such revisions conform to the laws of the state.~~

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Chapter 17.88 - AMENDMENTS AND REZONING PROCEDURES

Sections:

17.88.010 - Purpose.

17.88.020 - Type of action.

17.88.030 - Application.

17.88.040 - Criteria for Approval.

17.88.050 - Zoning Map.

17.88.060 - Denial of Site Rezone.

17.88.010 Purpose.

The purpose of this chapter is to establish the type of action, contents of a complete application, and criteria for approval for site rezones. A site rezone is a change in the zoning classification of a property or properties, but shall not include area-wide rezones or a change to the comprehensive plan map, the regulations for which are provided under Title 19, Administration of Land Development Regulations.

17.88.020 Type of action.

A site rezone is a quasi-judicial process and shall be processed according to the procedures established for Type III land use decisions set forth in Chapter 18.01, Land Use Administrative Procedures.

17.88.030 Application.

A. A site rezone proposal may be initiated by the City Council, the Planning Commission, or by application of a property owner or his authorized agent.

B. A land owner or authorized agent desiring a site rezone shall file an application containing the following:

1. Legal description of the property;
2. Size of property (in acreage or square feet);
3. Consent of property owner, if submitted by an authorized agent;
4. Present improvements on property;
5. White Salmon comprehensive land use plan, land use designation, current zone classification, and desired zone classification;

6. The administrator may determine that a site plan is required. The site plan shall include:

A. Location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces, and landscaping;

B. Topography, existing and proposed;

C. Mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties;

D. Architectural perspective, layout, and all elevations drawn without exaggeration, except where noted, including locations, area and design of signs, and all landscaping. ;

7. A statement explaining how the desired zone classification is consistent with the White Salmon comprehensive land use plan;

8. A statement explaining why the proposed zoning classification and allowed uses are suitable for the property and why the existing zoning classification and allowed uses are no longer suitable for the property; and

9. Application fee as established in Chapter 18.02, Land Development Permit Application and Appeal Fees.

17.88.040 Criteria for approval.

In order for a site rezone request to be approved, the council must find that:

A. The proposal is consistent with the White Salmon comprehensive land use plan goals, policies, and map;

B. The proposal is consistent with the purposes of the zoning ordinance;

C. The proposal is consistent with the purpose of the proposed zone district;

D. The subject property is suitable for the uses allowed under the proposed zone district;

E. The proposed zone change and associated uses are compatible with neighboring land uses; and

F. The proposal will not be detrimental to the public interest, health, safety or welfare of the city.

17.88.050 Zoning map.

Upon the effective date of the adoption by ordinance of a site rezone, the official zoning map of the city shall so be amended.

17.88.060 Denial of site rezone.

No application for a site rezone shall be considered within ninety (90) days of denial of the same request, unless in the opinion of the City Council new evidence or circumstances warrant reconsideration within that time.

17.88.010 - Intent of provisions.-

~~It is the purpose and intent of this chapter to provide additional procedures in the manner of zoning reclassification so that the health, safety and general welfare, and environmental amenities of the citizens of the city are insured as certain development occurs; and further, to prevent speculative holding of real property after rezoning.~~

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17.88.020 - Resolution of intent Authorized when Contents.-

~~If from the facts presented, and findings in the report and recommendation of the planning commission, the council determines that the public health, safety, welfare and convenience will be best served by this reclassification or any portion thereof, the board may indicate its general approval in principle of the reclassification by the adoption of a "resolution of intent to rezone" the property. This resolution shall include any conditions, stipulations or limitations which the council may feel necessary to require in the public interest, as a prerequisite to final action, including those provisions which the council may feel necessary to prevent speculative holding of the property after reclassification.~~

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17.88.030 - Site plan Requirements Amendments.-

~~A.—A site plan approved by the planning commission may be required, and if such requirement is made in the resolution of intent, the same shall be binding upon the property. Upon reclassification, the property having an approved site plan under these provisions shall be plainly marked as "subject to an approved site plan" on the official zoning map, part of the comprehensive plan for the city, or the town.~~

~~B.—Any approved site plan may be amended, or a variance therefrom obtained, or it may be released from the restrictions of such site plan by action of the board, on recommendation from the planning commission. No other changes shall be made constituting a departure from the approved site plan except by amendment~~

~~or variance, as herein provided, unless the same has been released from the site plan.~~

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~~**17.88.040 - Site plan information to be included.**~~

~~Where a site plan is required pursuant to Section 17.88.030, it shall include:~~

- ~~A.—Location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces, and landscaping;~~
- ~~B.—Topography, existing and proposed;~~
- ~~C.—Mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties;~~
- ~~D.—Architectural perspective, layout, and all elevations drawn without exaggeration, except where noted, including locations, area and design of signs, and all landscaping.~~

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~~**17.88.050 - Resolution of intent Binding commitment When.**~~

~~The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone, on the part of the applicant, shall make this resolution in binding commitment on the board.~~

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~~**17.88.060 - Reclassification conditions Resolution of intent void when.**~~

~~A.—Upon completion of compliance action of the applicant, the board shall by ordinance effect such reclassification. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render the resolution null and void, unless an extension is granted by the board upon recommendation of the planning commission.~~

~~B.—In the event a reclassification is approved by the board, but not on the basis of a resolution of intent to rezone, the board shall by ordinance effect such reclassification.~~

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Chapter 17.92 - VIOLATIONS AND PENALTIES

Sections:

[17.92.010 - Violation-Penalty.](#)

17.92.010 - Violation-Penalty.

Any person, partnership, association, firm or corporation who wilfully violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not in excess of five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. Alternatively, any such violation is deemed a nuisance under WSMC Ch. 8.07 and the City in its discretion may seek enforcement under that section in addition to any sanctions set forth herein.

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 become effective following passage and publication as provided by law.

PASSED in regular session this 26th day of November, 2012.

David Poucher, Mayor

Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney