



**White Salmon Planning Commission Meeting
A G E N D A
November 14, 2023 – 5:30 PM
119 NE Church and Via Zoom Teleconference**

**Meeting ID: 871 5777 5221
Call in Number: 1 (253) 215-8782 US (Tacoma)**

Call to Order/Roll Call

Public Comment

Public Hearing (Continuation)

- 1.** Housing Action Plan - Draft Zoning Ordinance

In continuation of the public hearing, the Planning Commission will discuss proposed amendments to the White Salmon Zoning Ordinance(s) with city consultant Structura Naturalis Inc.

- A. Discussion
- B. Action

Adjournment



File Attachments for Item:

1.

Housing Action Plan - Draft Zoning Ordinance

In continuation of the public hearing, the Planning Commission will discuss proposed amendments to the White Salmon Zoning Ordinance(s) with city consultant Structura Naturalis Inc.

**CITY OF WHITE SALMON
ORDINANCE NO. ____**

AN ORDINANCE OF THE CITY OF WHITE SALMON, WASHINGTON, AMENDING TITLE 17 BY REVISING CHAPTERS 17.23, 17.24, 17.28, 17.32, 17.36, 17.40, 17.48, 17.50, 17.64, 17.68, AND 17.72, TO UPDATE THEIR ZONING PROVISIONS, INCLUDING SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of White Salmon (“City”) acknowledges the need to update its residential zoning regulations to better reflect the current needs of citizens, and the demand for more diverse and affordable housing; and

WHEREAS, the City recognizes the legacy of “exclusionary” zoning in contributing to housing unaffordability and lack of equitable access for all citizens; and

WHEREAS, the City recognizes that market trends and professional standards have shifted toward more compact, walkable, mixed forms of development; and

WHEREAS, the City recognizes the benefits of more compact, walkable, mixed forms of development in meeting climate goals, improving public health and well-being, conserving natural habitat, improving water quality, and promoting wildfire and disaster resiliency; and

WHEREAS, the City has conducted extensive public outreach and gathered extensive public comments in accordance with the City’s Public Participation Plan, sufficient to establish regulations in accordance with RCW 36.70A;

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

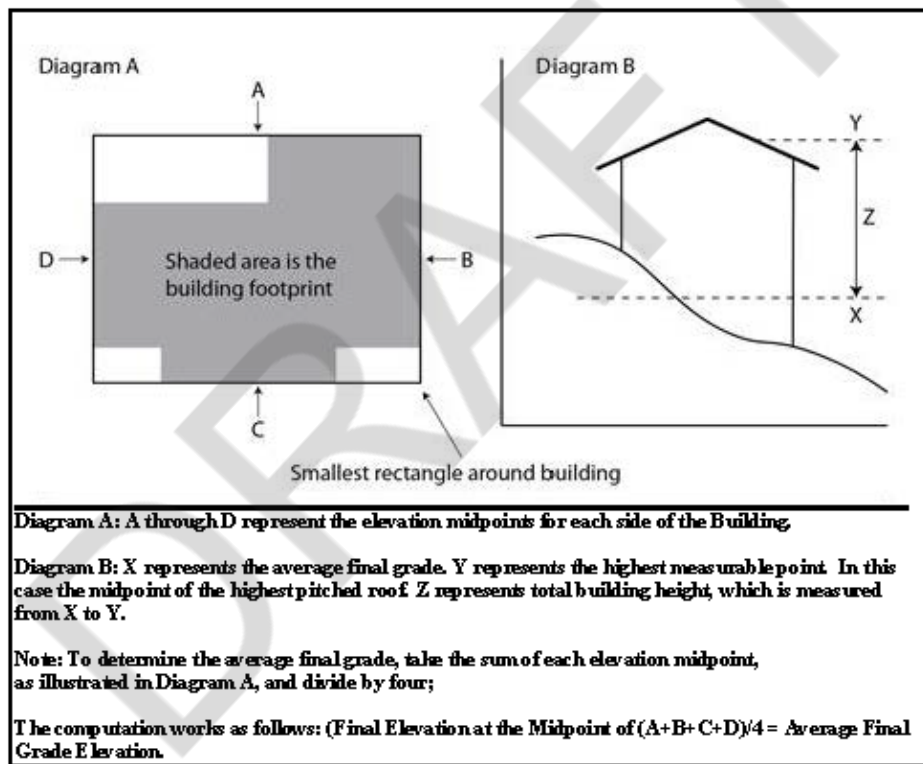
That the following amendments be made to White Salmon Municipal Code Title 17:

SECTION 1. Amendment to Title 17, Chapters 17.08, 17.23, 17.24, 17.28, 17.32, 17.36, 17.40, 17.48, 17.50, 17.64, 17.68, and 17.72. The City hereby repeals WSMC Title 17 Chapters 17.08.290, 17.23, 17.24, 17.28, 17.32, 17.36, 17.40, 17.48, 17.50, 17.64, and 17.68, in their entirety, and adopts the following to be codified as WSMC Title 17 Chapters 17.08.290, 17.23, 17.24, 17.28, 17.32, 17.36, 17.40, 17.48, 17.50, 17.64, 17.68, 17.72, **and 17.79:**

Key: Underlined = added language
~~Strikethrough~~ = deleted language

17.08.280 Height of building.

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



(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

17.08.290 Home occupation.

"Home occupation" means an operation of a personal business within a dwelling or accessory buildings primarily by a member or members of a family residing therein. "Live-work" means a home occupation that has significant visibility as a business, but contained within or adjoining the home on the same lot. 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, plus up to two outside employees.
- B. There shall be no outside displays of merchandise.

C. The home occupation shall not affect the outside appearance as primarily 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 not to~~ infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

D. The area of the home occupation or live-work shall be no larger than the area of the residential portion of the building.

E. Business signs shall be permitted as per Sign Ordinance, Chapter 15.12 of this code.

(Ord. No. 2021-05-1079, § 1(Exh. A), 5-19-2021)

Chapter 17.23 RL SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICT

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.

(Ord. No. 2012-11-905, 11-26-2012)

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 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 per household.
- [F.] Other accessory uses may be authorized by the board of adjustment in this district are those customarily incidental to permitted and conditional uses allowed.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.23.030 Conditional use.

See Section 17.40.010.

(Ord. No. 2012-11-905, 11-26-2012)

17.23.035 Property development standards.

- A. Dwelling standards:
 - 1. A single-family residential dwelling shall have a minimum floor area of ~~six~~ **four** hundred 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 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 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.
 - 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~~ with the exception of approved accessory dwelling units.

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~~three feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least fifteen feet in width.

C. Fences.

1. Fence heights shall not exceed six feet along rear or side lot lines.
2. Fence heights shall not exceed five feet along front lot lines.
3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four feet for the first twenty-five 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.

(Ord. No. 2012-11-905, 11-26-2012)

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.B.~~ Minimum area of lot: ~~twenty eleven~~ thousand square feet; ~~for each single-family structure~~
- ~~D.C.~~ Maximum depth of lot: ~~three times lot width~~ two hundred feet; 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.D.~~ Minimum width of lot: ~~one hundred twenty-five~~ fifty 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.E.~~ Minimum front yard depth: twenty feet;
- ~~G.F.~~ Minimum side yard width: five feet;
- ~~H.G.~~ Minimum side yard width along flanking street of corner lot: fifteen feet;
- ~~I.H.~~ Minimum rear yard required: fifteen feet.

NOTE: accessory structures are allowed within rear yards subject to five-foot setback from rear lot lines.
~~subject to development standards in this zone~~

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.23.060 Utility requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.24 R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

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. Up to four rowhomes or multiplexes, provided that the end or side units are set back ten feet from the side property lines, and meet other development standards of this zone;
- C. Hobby-type gardening and horticultural activities and related structures are permitted, provided they shall be solely for noncommercial purposes.

(Ord. No. 2012-11-905, 11-26-2012)

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; operable motor vehicles equal to the number of licensed drivers plus two per household, provided that no boat or RV with an overall length of more than thirty 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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Supp. No. 26)

Created: 2023-09-15 10:52:06 [EST]

- 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,~~ and reptiles kept unless approved by the city.

(Ord. No. 2012-11-905, 11-26-2012)

17.24.030 Conditional use.

See Section 17.40.010. (Ord. No. 2012-11-905, 11-26-2012)

17.24.035 Property development standards.

- A. Dwelling standards:
 - 1. A primary (not accessory) single-family residential dwelling shall have a minimum floor area of ~~six~~ four hundred 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 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 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.
 - 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~~ with the exception of approved accessory dwelling units.
 - 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~~ three feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least fifteen feet in width.

C. Fences.

1. Fence heights shall not exceed six feet along rear or side lot lines.
2. Fence heights shall not exceed five feet along front lot lines.
3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four feet for the first twenty-five 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.24.040 Density provisions.

Density provisions for the R1 district are as follows:

- A. Maximum number of primary dwelling structures per lot: ~~one~~ four;
- B. Maximum height of building: three stories, but not to exceed twenty feet;
- C. Minimum area of lot: ~~five~~ three thousand square feet for each single-family structure or up to four rowhomes, duplexes or multiplexes on the same lot; four thousand square feet for duplexes on separate lots; and one thousand square feet for rowhomes on separate lots;
- D. Minimum depth of lot: ~~eighty~~ fifty feet;
- E. Minimum width of lot: ~~fifty~~ thirty feet for each single-family structure or up to four rowhomes, duplexes or multiplexes on the same lot; and twelve feet for duplexes or rowhomes on separate lots;
- F. Maximum percentage of lot coverage: ~~fifty~~ seventy-five percent;
- F. Minimum front yard depth: ~~twenty feet~~ twelve feet, except that porches, stoops or other transitional structures may encroach up to 8 feet into this frontage zone;
- G. Minimum side yard width: ~~five~~ three feet, or zero feet for approved rowhomes;
- H. Minimum side yard width along flanking street of corner lot: ~~fifteen~~ ten feet;
- I. Minimum rear yard required: ~~fifteen~~ ten feet.

NOTE: accessory structures are allowed within rear yards and subject to five-foot setback from rear lot lines, and also subject to development standards in this zone. If the rear lot line is on an alley, a three-foot setback is required.

(Ord. No. 2012-11-905, 11-26-2012)

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. Assigned parking in remote lots, including approved shared parking under binding agreements, may be substituted if they are within 100 feet of the subject property.

(Ord. No. 2012-11-905, 11-26-2012)

17.24.060 Utility requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.28 R2 TWO-FAMILY RESIDENTIAL DISTRICT

17.28.010 Principal uses permitted outright.

Principal uses permitted outright in the R2 district include:

Principal uses permitted outright in residential district R1, including up to four rowhomes or multiplexes, provided that the end or side units are set back ten feet from the side property lines, and meet other development standards of this zone;

(Ord. No. 2012-11-905, 11-26-2012)

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 per household, provided that no boat or RV with an overall length of more than thirty feet shall be stored or parked in the R2 zone without special permission from the city to do so.
- [F.] Other accessory uses may be authorized by city council; those customarily incidental to permitted and conditional uses allowed.

(Ord. No. 2012-11-905, 11-26-2012)

~~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 [Chapter 17.81.]~~

~~(Ord. No. 2012-11-905, 11-26-2012)~~

(Supp. No. 26)

Created: 2023-09-15 10:52:06 [EST]

17.28.030 Conditional uses.

See Section 17.40.010.

(Ord. No. 2012-11-905, 11-26-2012)

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~~, and reptiles kept without city approval.

(Ord. No. 2012-11-905, 11-26-2012)

17.28.034 Property development standards.

- A. Dwelling standards:
 - 1. A primary (not accessory) single-family residential dwelling shall have a minimum floor area of ~~six~~ four hundred 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 primary (not accessory) single-family dwellings shall be placed on permanent foundations.
 - ~~3. All dwellings shall be not less than twenty 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~~ thirty-five 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.
 - 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.

(Supp. No. 26)

Created: 2023-09-15 10:52:06 [EST]

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, where it is allowed.
 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 fifteen feet in width.
- C. Fences.
1. Fence heights shall not exceed six feet along rear or side lot lines.
 2. Fence heights shall not exceed five feet along front lot lines.
 3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four feet for the first twenty-five 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.28.040 Density provisions.

Density provisions for the R2 district are as follows:

- A. Maximum number of primary dwelling structures per lot: ~~one~~ four;
- B. Minimum area of lot: ~~five~~ three thousand square feet for each single-family structure or up to four rowhomes, duplexes or multiplexes on the same lot; four thousand feet for duplexes on separate lots; and one thousand square feet for rowhomes on separate lots;
- C. Minimum depth of lot: ~~eighty~~ fifty feet;
- D. Minimum width of lot: ~~fifty~~ thirty feet for each single-family structure or up to four rowhomes, duplexes or multiplexes on the same lot; and twelve feet for duplexes or rowhomes on separate lots;
- E. Maximum percentage of lot coverage: ~~fifty~~ seventy-five percent;
- F. Minimum front yard depth: ~~twenty~~ feet twelve feet, except that porches, stoops or other transitional structures may encroach up to 8 feet into this frontage zone;
- G. Minimum side yard width: ~~five~~ three feet, or zero feet for approved rowhomes;
- H. Minimum side yard width along flanking street of corner lot: ~~fifteen~~ ten feet;
- I. Minimum rear yard required: ~~fifteen~~ ten feet.

NOTE: accessory structures are allowed within rear yards and subject to five-foot setback from rear lot lines, and also subject to development standards in this zone. If the rear lot line is on an alley, a three-foot setback is required.

(Ord. No. 2012-11-905, 11-26-2012)

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. Assigned parking in remote lots, including approved shared parking under binding agreements, may be substituted if they are within 100 feet of the subject property. Where a lot is within ¼ mile of a transit stop, the required number of off-street spaces may be reduced to one for each primary dwelling unit.

(Ord. No. 2012-11-905, 11-26-2012)

17.28.060 Utility requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.32 R3 MULTIFAMILY RESIDENTIAL DISTRICT

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.

(Ord. No. 2012-11-905, 11-26-2012)

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 or “live-work” per definition in Section 17.08.2390, or a retail business that primarily serves the surrounding residential area. All accessory uses are subject to applicable development standards.

(Ord. No. 2012-11-905, 11-26-2012)

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 Rowhouse buildings containing no more than four eight townhouses rowhouses.

Principal uses conforming to approved prototype site plans are not subject to site plan review.

Other multi-family residential developments or townhouses rowhouses are subject to site plan review pursuant to [Chapter 17.81] of this code in addition to General Development Guidelines listed in Section [17.50.070].

(Ord. No. 2012-11-905, 11-26-2012)

17.32.030 Conditional uses.

See Chapter 17.40.

(Ord. No. 2012-11-905, 11-26-2012)

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,~~ and reptiles kept without city approval.

(Ord. No. 2012-11-905, 11-26-2012)

17.32.034 Property development standards.

- A. Dwelling standards:
 - 1. A primary (not accessory) single-family residential dwelling shall have a minimum floor area of ~~six~~ four hundred 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 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 feet in single family residential zones.~~
 - ~~6.5.~~ 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.
 - ~~7.6.~~ 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.

(Supp. No. 26)

Created: 2023-09-15 10:52:07 [EST]

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, where it is allowed.
 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 fifteen feet in width.
- C. Fences.
1. Fence heights shall not exceed six feet along rear or side lot lines.
 2. Fence heights shall not exceed five feet along front lot lines.
 3. On corner lots the fence height along the side yard adjacent to the street shall not exceed four feet for the first twenty-five 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.32.040 Density provisions.

Density provisions for the R3 district are as follows:

- A. Maximum height of buildings: ~~two three~~ stories, but not to exceed ~~twenty-eight thirty-five~~ feet;
- B. Minimum area of lot for single-family dwellings: ~~five three~~ thousand square feet; ~~two family dwellings attached: six four thousand square feet; and shall be governed by the standards in the R1 and R2 districts; four thousand feet for duplexes on separate lots; and one thousand square feet for rowhomes on separate lots; or up to four rowhomes, duplexes or multiplexes on the same lot;~~
- C. Minimum area of lot for multifamily dwellings and ~~townhouse rowhouse~~ buildings: ~~two thousand five hundred square feet per dwelling unit for the first two dwelling units; additional dwelling units, two one~~ thousand square feet per unit;
- D. Minimum lot depth: ~~eighty fifty~~ feet;
- E. Minimum width of lot: ~~one hundred thirty~~ feet; ~~twenty twelve~~ feet per ~~townhouse rowhouse~~;
- F. Maximum percentage of lot coverage: ~~fifty seventy-five~~ percent;
- G. Minimum front yard depth: ~~fifteen feet twelve feet, except that porches, stoops or other transitional structures may encroach up to 8 feet into this frontage zone;~~
- H. Minimum side yard width: ~~five three~~ feet, zero for ~~townhouse rowhouse~~ common wall;
- I. Minimum side yard width along flanking street of corner lot: ~~fifteen ten~~ feet;

NOTE: accessory structures are allowed within rear yards and subject to five-foot setback from rear lot lines, and also subject to development standards in this zone. If the rear lot line is on an alley, a three-foot setback is required.

(Ord. No. 2012-11-905, 11-26-2012)

17.32.050 Off-street parking space.

For dwelling units in an R3 district, there shall be ~~two at least one~~ 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. Assigned parking in remote lots, including approved shared parking under binding agreements, may be substituted if they are within 100 feet of the subject property. Where a lot is within ½ mile of a transit stop, the required number of off-street spaces may be reduced to one-half for each primary dwelling unit (minimum one per property).

(Ord. No. 2012-11-905, 11-26-2012)

17.32.060 Utility requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

CHAPTER 17.36 MHRP MOBILE/MANUFACTURED HOME RESIDENTIAL PARK DISTRICT¹

17.36.010 Purpose/Transfer of MHRP Zone.

The purpose of the MHRP mobile/manufactured home residential park district is to provide a zoning district primarily for manufactured and mobile home parks and secondarily for other high-density, affordable housing and to enable zoning to conform to general planned densities. This chapter replaces "MHR mobile home residential district" and all properties previously zoned thereunder are included in this zone and shall hereafter be designated as "MHRP mobile/manufactured home residential park district".

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.020 Permitted uses.

The following uses are permitted, subject to conformance with applicable regulations stated below, and elsewhere in this title:

- A. Mobile/manufactured home parks. For purposes of this chapter, "mobile/manufactured home residential park district" is defined as any development of real property, within the city providing space for occupancy of two or more manufactured homes as defined in WSMC Chapter 17.08, mobile homes as defined in WSCM Chapter 17.08, and complying with the standards as designated on the data plate (HUD and L&I certification requirements) and with all the provisions of the Manufactured Housing Construction and Safety Standards in effect at the time of its construction and constitutes not less than seven hundred twenty square feet of interior habitable area, and further including tiny houses as described in RCW 35.21.686 and further defined in WSMC Chapter 17.08 and constructed in accordance with WAC 51-51-60104 and does not have an interior habitable area greater than ~~four~~ three hundred square feet.
- B. Dwellings and buildings when appurtenant to the mobile/manufactured home park only.
- C. Accessory uses and structures related to any permitted use, except home occupation.

¹Editor's note(s)—Ord. No. 2020-07-1064, § 1 and 1(Exh. A), adopted July 1, 2020, repealed the former Ch. 17.36, §§ 17.36.010—17.36.080, and enacted a new Ch. 17.36 as set out herein. The former Ch. 17.36 pertained to MHR Mobile Home Residential District and derived from Ord. No. 2012-11-905 adopted Nov. 26, 2012.

- D. Offices, restrooms, laundry, storage and recreational facilities, clubhouse, and similar uses appurtenant to the mobile/manufactured home park residents only.

~~E. Home occupations as defined in 17.08.290.~~

~~F. Dwelling units with at least fifty-five percent of units meeting affordable housing threshold.~~

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.030 Conditional uses.

The following uses are permitted subject to approval of a conditional use permit:

~~A. Home occupations.~~

- B. Public and quasi-public uses related to the district.

- C. Nursery schools and family child day care centers.

- D. Recreational vehicle park.

~~E. Dwelling units with at least fifty-five percent of units meeting affordable housing threshold.~~

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

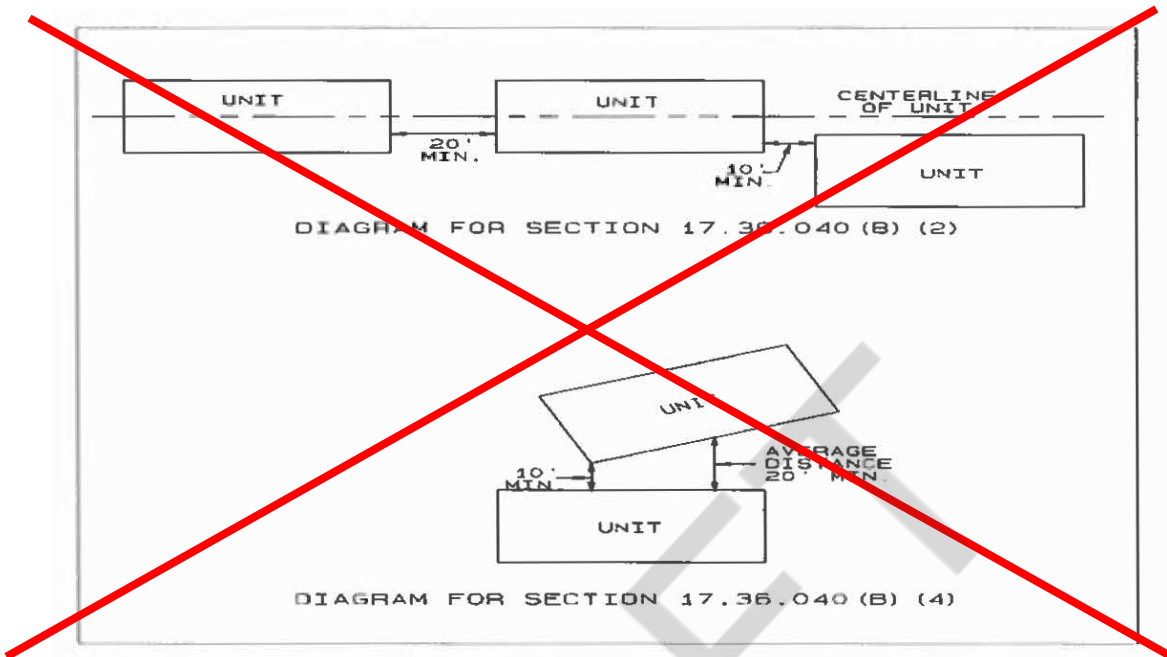
17.36.040 Minimum development standards.

The following are the minimum development standards for the MHRP mobile/manufactured home residential park district:

- A. There shall be a minimum ~~ten-foot five-foot~~ setback from all interior property lines. Public street frontage setback shall be not less than ~~twenty five~~ twelve feet from the property line, except that porches, stoops or other transitional structures may encroach up to 8 feet into this frontage zone.

- B. Spacing of mobile/manufactured homes.

1. There shall be a space of not less than ~~twenty ten~~ ten feet between mobile/manufactured homes located side-by-side and parallel.
2. The spacing between mobile/manufactured homes located end-to-end shall be not less than ~~twenty ten~~ ten feet; provided, however, where the center line, as extended, of one unit does not extend through the adjacent unit, the spacing between the two units shall not be less than ~~ten five~~ ten feet ~~(See Diagram 17.36.040(B)(2)).~~
3. There shall be not less than ~~ten five~~ ten feet between any mobile/manufactured home and any cabana, carport or other similar accessory structure related to another mobile/manufactured home nor between any mobile/manufactured home and any permanent structure.
4. The average distance between adjacent angular mobile/manufactured homes shall be not less than ~~twenty ten~~ ten feet with the closest point being no less than ~~ten five~~ ten feet ~~(See Diagram 17.36.040(B)(4)).~~
- ~~5. Each site shall be equipped with a storage shed not less than sixty square feet of storage space.~~
- ~~6.5.~~ Each space shall be identified by a number, which shall be displayed with sufficient size and location to be readily visible from the adjacent roadway.



- C. Each mobile/manufactured home shall be serviced by at least one thirty twenty foot wide roadway to provide for two moving lanes of traffic and a four foot delineated pedestrian walkway. Where on-roadway parking is desired, the roadway width shall be increased accordingly by seven feet for each side of parking stall.
- D. All roadways and parking areas shall be paved with asphalt or Portland Cement Concrete in accordance with the most current version of the city's street standards, or other alternate approved by the Director of Public Works.
- E. All street frontage setback areas shall be landscaped and maintained.
- F. Landscaping and Fencing. A detailed landscape plan shall be required and include:
 - 1. The location and materials of all fencing.
 - 2. All plantings including the size, location, species name and method of irrigation.
 - 3. Existing trees or significant plant groupings that are intended to remain.
 - 4. Sight-obscuring buffer between the mobile/manufactured home park and adjacent residential district or commercial district.
 - 5. Perimeter ground cover landscaping consisting of not less than five-foot width and established line of site requirements for driveways and intersections.
 - 6. Individual space landscaping, common areas and open space. Sight-obscuring buffer shall consist of opaque material fencing or a solid landscape screen which shall consist of an evergreen or nearly evergreen mixture of shrubs, bushes or trees that produce a dense, sight-obscuring screen at least six-feet in height within three years of planting. Berms may be included as a sight-obscuring barrier to a maximum berm height of five feet planted on both sides with evergreen or nearly evergreen shrubs or bushes so that the total height of landscaping and berm will be at least six feet within three years of planting, and the top of the berm plantings form a dense, sight-obscuring screen within the same three-year period. Fencing materials, landscaping species and standards shall be consistent with White Salmon Municipal Code (WSMC).
- G. Site plan approval is required prior to the initial construction of any mobile/manufactured home park and prior to any substantial changes thereto, or to any existing mobile/manufactured home park.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.050 Off-street parking.

There shall be two off-public-street parking spaces for each mobile/manufactured home space, except that if on-street parking is provided adjacent to each home, only one off-public-street parking space is required.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.060 Roadway.

Every roadway within the mobile/manufactured home park shall be named and the names clearly posted. Every mobile/manufactured home shall have a number which will be clearly visible from the roadway at all times.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.070 Expansion or alterations of existing mobile/manufactured home residential parks.

Any mobile/manufactured home park existing or approved at the time of adoption of the ordinance codified herein may be enlarged or altered; provided all codes and ordinances of the city are complied with for that portion to be enlarged; and the enlargement is forty-nine percent or less of the area of the existing park. Where there is a proposed enlargement or alteration of an existing park to the extent of affecting higher than forty-nine percent of the area of the existing park, when such enlargement or alteration is carried out or planned, such enlargement or alteration shall require full integration of the existing park to conform to the provisions of this chapter. As sanctioned by the provisions of this section, a mobile/manufactured park can only be enlarged or altered one time without full integration of the existing park.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.080 Eviction notices for change of use or closure of a mobile/manufactured home park.

- A. Before a mobile/manufactured home park owner may issue eviction notices pursuant to a closure or change of use under Chapter 59.21 RCW, the mobile/manufactured home park owner must first submit to the City a relocation report and plan that meets the requirements of WSMC 17.36.090. If applying for a change of use, the mobile/manufactured home park owner shall submit the relocation report and plan together with all other necessary applications. Once the city determines that the relocation report and plan meets the requirements of WSMC 17.36.090, the city shall stamp their approval on the relocation report and plan and return a copy of the approved plan to the manufactured/mobile home park owner. If the city determines that the relocation report and plan does not meet the requirements of WSMC 17.36.090, the city may require the mobile/manufactured home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.
- B. No sooner than upon approval of the relocation report and plan, the owner of the mobile/manufactured home park may issue the twelve month eviction notice to the mobile/manufactured home park tenants. The eviction notice shall comply with RCW 59.20.080 and 59.21.030, as amended. No mobile/manufactured home owner who rents a mobile/manufactured home lot may be evicted until the twelve month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter 59.20 RCW.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.090 Relocation report and plan.

- A. The relocation report and plan shall describe how the mobile/manufactured home park owner intends to comply with Chapters 59.20 and 59.21 RCW, relating to mobile/manufactured home relocation assistance, and with WSMC 17.36.080 through 17.36.130. The relocation report and plan must provide that the mobile/manufactured home park owner will assist each mobile/manufactured home park tenant household to relocate, in addition to making any state or federal required relocation payments. Such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for state-required relocation assistance, and helping tenants to move the mobile/manufactured homes from the mobile/manufactured home park. Further, the relocation report and plan shall contain the following information:
1. The name, address, and family composition for each mobile/manufactured home park tenant household, and the expiration date of the lease for each household;
 2. The condition, size, ownership status, HUD and State Department of Labor and Industries certification status, and probable mobility of each mobile/manufactured home occupying a mobile/manufactured home lot;
 3. Copies of all lease or rental agreement forms the mobile/manufactured home park owner currently has in place with mobile/manufactured home park tenants;
 4. To the extent mobile/manufactured home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile/manufactured home park tenant household;
 5. To the extent mobile/manufactured home park tenants voluntarily make such information available, a confidential listing of gross annual income for each mobile/manufactured home park tenant household;
 6. An inventory of relocation resources, including available mobile/manufactured home spaces in Klickitat, Skamania, Yakima and Benton Counties;
 7. Actions the mobile/manufactured home park owner will take to refer mobile/manufactured home park tenants to alternative public and private subsidized housing resources;
 8. Actions the mobile/manufactured home park owner will take to assist mobile/manufactured home park tenants to move the mobile/manufactured homes from the mobile/manufactured home park;
 9. Other actions the owner will take to minimize the hardship mobile/manufactured home park tenant households suffer as a result of the closure or conversion of the mobile/manufactured home park; and
 10. A statement of the anticipated timing for park closure.
- B. The city or designee may require the mobile/manufactured home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile/manufactured home park tenants, the city and state offices to ensure compliance with the relocation report and plan and with state laws governing mobile/manufactured home park relocation assistance, eviction notification, and landlord/tenant responsibilities.
- C. The owner shall make available to any mobile/manufactured home park tenant residing in the mobile/manufactured home park copies of the proposed relocation report and plan, with confidential information deleted. Within fourteen days of the city planning department approval of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile/manufactured home park tenant. Tenants may request and the owner must provide the report to be delivered a native language, or in another media as necessary to accommodate any visual impairment needs.

- D. The mobile/manufactured home park owner shall update with the city planning department office the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.100 Certificate of completion of the relocation report and plan.

No mobile/manufactured home park owner may close a mobile/manufactured home park or obtain final approval of a comprehensive plan or zoning re-designation until the mobile/manufactured home park owner obtains a certificate of completion from the city planning department. The city planning department shall issue a certificate of completion only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, the eviction notice requirements of RCW 59.20.080 and 59.21.030, the relocation assistance requirements of RCW 59.21.021, and any additional requirements imposed in connection with required city applications.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.110 Notice of provisions.

It is unlawful for any party to sell, lease, or rent any mobile/manufactured home or mobile/manufactured home park rental space without providing a copy of any relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the provisions of WSMC 17.36.080 through 17.36.130 and the status of any relocation report and plan.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.120 Administration.

The city planning department shall administer and enforce WSMC 17.36.080 through 17.36.130. Whenever an owner or an owner's agent fails to comply with the provisions of WSMC 17.36.080 through 17.36.130, the following may occur:

- A. The city may deny, revoke, or condition a certificate of completion, a permit, or another approval;
- B. Any other appropriate city official may condition any permit or other approval upon the owner's successful completion of remedial actions deemed necessary by the city carry out the purposes of WSMC 17.36.080 through 17.36.130.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.130 Appeal.

Any appeal from a determination of the city planning department under WSMC 17.36.080(A), WSMC 17.36.100, and WSMC 17.36.120(A) shall be an open record hearing filed within fourteen days of the determination and be processed in accordance with the procedures established for Type V applications (waiving planning commission recommendation - city council decision final) under WSMC Title 19.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.140 Use exceptions.

- A. A mobile/manufactured home park owner may request a use exception or modification from the application of the MHRP zoning to their property as set forth below.
- B. The property owner shall submit a site plan application showing building footprint, streets, walkways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting and landscaping, In addition, the property owner shall submit a written explanation of the reasons for use exception or modification and provide a report describing the proposed use with documentation demonstrating that application of the MHRP zoning meets the criteria below.
- C. The City Council may approve the property owner's request for a use exception or modification if the property owner demonstrates:
 - 1. They do not have reasonable use of their property under the MHRP zoning; or
 - 2. The uses authorized by the MHRP zoning are not economically viable at the property's location.If the request is granted by the city council and the city determines that a zone change is required, the applicant shall be financially responsible for all associated costs related to the zone change.
- D. In addition to the application, a relocation report and plan shall be submitted the city planning department pursuant to WSMC 17.36.090; and the eviction notices procedures provided for in WSMC 17.36.080 through 17.36.130 shall apply.
- E. Except as otherwise provided herein, the application shall be reviewed as a WSMC 19.10 Type V review (waiving planning commission recommendation - final decision made by city council), and the council's decision may be appealed to Klickitat County superior court.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.150 Closure and government sponsorship.

- A. If an eminent domain action by a federal, state, or local agency causes closure of a mobile/manufactured home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance - Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of WSMC 17.36.080 through 17.36.170.
- B. If a condemnation action of the city causes closure of a mobile/manufactured home park, the city will be responsible for fulfilling the requirements of the standards contained herein. If the city chooses to follow portions of the state act and regulations and the city determines that there is a conflict or redundancy between the portions of the state act and regulations being followed by the city, and the standards contained herein, the state act shall take precedence in such areas of conflict or redundancy. If the state act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.160 Additional Requirements.

- A. No manufactured or mobile home shall be moved into the city limits of White Salmon without prior authorization of the city, placement permit issued by the city building inspector and HUD and Washington State Labor and Industry inspection tag. The owner will need to provide picture and other document evidence that the manufactured or mobile home is in good or better condition and suitable for living.

- B. No manufactured or mobile home may be altered or added to without a Washington State Labor and Industry permit and city building permit if applicable.
- C. No manufactured or mobile home, or any addition or accessory building thereto, may be placed upon a lot in any MHRP District without first obtaining a building permit and sewer and water connection permits, and authorization, from the building inspector. Any required fees shall be in accordance with the current city fee schedule.
- D. Any attached addition or attached accessory building shall be compatible with the design, color and exterior covering, including roofing, to the manufactured or modular home.
- E. Any addition or accessory structures or building shall be in compliance with all applicable WSMC and building codes.
- F. All water, sewer and storm-water shall comply with the most current state laws and city standards and regulations. Connections shall be made to the city utility system, if available and applicable. The sewer connection shall be provided with suitable fittings so that a watertight connection shall be so constructed that it can be closed and locked, when not linked to a dwelling, and shall be capped so as to prevent any escape of odors.
- G. All equipment, including but not limited to tires, wheels and axles, which are needed to transport the structure to the site shall be removed from the structure, and said structure shall be attached to a permanent foundation or anchored to the ground in accordance with manufacturer's requirements and/or as approved by the building inspector.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.170 Building permit required.

Issuance of a building permit is required prior to commencement of construction of any permanent improvements within any new mobile/manufactured home park and prior to any enlargement, alteration or addition to any permanent improvements within any existing mobile/manufactured home residential park. The fees for said building permit shall be based on the cost of construction for said permanent improvements, and shall include such things as roadways, walkways, parking areas, permanent structures and other similar types of construction activities.

17.36.180 Required tiedowns.

All mobile/manufactured homes shall be tied down/anchored in accordance with manufacturer's recommendations. If a manufacturer recommendation cannot be provided, the mobile/manufactured homeowner shall provide the building inspector with an engineered stamped plan as to how the mobile/manufactured home is to be tied down.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

Chapter 17.40 CONDITIONAL USES IN RESIDENTIAL DISTRICTS

17.40.010 Uses authorized when.

The uses set out in this chapter may be authorized by the 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.

(Ord. No. 2012-11-905, 11-26-2012)

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 and uses;
- D. Fire and police stations;
- E. Libraries;
- F. Adult boarding homes, nursing homes;
- G. Bed and breakfasts, as defined;
- H. The accessory use of a primary residence has a hosted homeshare or vacation home rental per the requirements of WSMC Ch. 5.02 and WSMC Ch. 17.57;
- I. Schools, day care and assisted living facilities;
- ~~J. 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.~~
- ~~K. Accessory dwellings as allowed for in base zones and subject to all applicable standards in Chapter 17.64.~~
- ~~L.~~ Residential PUD in RL - Low density residential zone subject to all applicable PUD standards in Chapter 17.75.
- ~~M.~~ Cottage infill development in R-2 or R-3 residential zones subject to all applicable cottage infill standards in Chapter 17.73.
- ~~N.~~ Other conditional uses as authorized by the city council that are customarily incidental to permitted and conditional uses allowed in residential district.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2022-02-1095, § 1, 2-16-2022)

Chapter 17.48 C GENERAL COMMERCIAL DISTRICTS²

²Editor's note(s)—Ord. No. 2012-12-910, adopted Dec. 19, 2012, repealed Ch. 17.48, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 17.48 pertained to "C2 General Commercial Districts." See Ordinance List and Disposition Table for derivation.

17.48.010 Purpose—Use restrictions generally.

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

(Ord. No. 2012-12-910, 12-19-2012)

17.48.020 Principal uses permitted outright.

Principal use listed as uses permitted outright in the C district are intended to be retail and service oriented uses focused on sales of goods and services to end users. Permitted uses include:

- A. Retail - Retail stores and shops providing goods and services, including hardware, dry goods, apparel, home appliances, jewelry, photographic studio, furniture and boat sales; gift shop;
- B. Service and Professional Space - Cafe, tavern, theater (including outdoor), radio and television, bank, business or professional office;
- C. Repair and Sales - Automobile, truck and machinery dealer (new and used), garage, and automobile, truck and other passenger vehicle repair reconditioning, painting, upholstery, motor rebuilding, body and fender work; refrigerated locker rental, shoe repair, bakery, supermarket, tailoring;
- D. Preparation and Sales - Formulating and preparing for sale such products as bakery goods, candy, cosmetics, dairy products, drugs, food and beverage products; including brewer, distillery, or winery in conjunction with a pub eatery or tasting room;
- E. Hospitality - Hotel, motel and tourist facilities; places of public assembly; commercial recreation does not include short-term rental, see WSMC 17.48.030.D;
- F. Artisan Manufacture and Sales - Boatbuilding; instruments, dishware, candles, glassware; metal work and welding; other items assembled from various raw materials such as wood, bone, cellophane, canvas, cloth and glass; spinning or knitting of cotton, wool, flax or other fibrous materials; stone, marble and granite monument works;
- G. Other commercial uses determined to be similar to the above uses may be permitted, subject to approval of the planning commission.
- H. Residential - Condominium, apartment, and other dwelling types including balconies, outside courts or patios and constructed or renovated to be included as an integral part of a commercial or retail structure with the following conditions:
 - 1. The dwelling units shall have a minimum living area of four hundred square feet and a maximum of one thousand five hundred square feet.
 - 2. Residential uses shall not be more than eighty percent of the total square footage of the structure(s).
 - 3. The design of commercial establishments which include dwellings shall be a matter subject to review and approval by the planning commission, applying clear and objective design standards as furnished to applicants at the outset of their application.
 - 4. If located on or along a commercial street front the building design shall be required to support and contribute to street front commerce; or

Stand alone dwellings incidental to and used in conjunction with the primary permitted use when found to be compatible with and clearly incidental to the primary use and surrounding uses, e.g., care taker cottage or housing for family or others principally engaged in the primary business. This provision is intended for application in conjunction with a business that is not located in an area characterized by typical commercial street frontage.

The planning commission specifically reserves the right to disapprove construction of dwellings in conjunction with commercial development on the basis of health, safety and welfare of potential occupants or if location of dwelling units displaces or is likely over time to displace the street front commercial presence of a retail structure.

(Ord. No. 2012-12-910, 12-19-2012; Ord. No. 2022-02-1096, § 1, 2-16-2022)

17.48.030 Conditional uses.

Uses which may be authorized subject to conditional use permit review by the planning commission or where otherwise delegated to the planning administrator within subject sections in a C district are intended to provide for compatible manufacturing, light industrial, residential, and storage uses especially in conjunction with retail use. Uses possible to permit conditionally include:

- ~~A. — Residential — Condominium, apartment, and other dwelling types including balconies, outside courts or patios and constructed or renovated to be included as an integral part of a commercial or retail structure with the following conditions:~~
- ~~1. — The dwelling units shall have a minimum living area of six hundred square feet and a maximum of one thousand five hundred square feet.~~
 - ~~2. — Residential uses shall not be more than sixty percent of the total square footage of the structure(s).~~
 - ~~3. — The design of commercial establishments which include dwellings shall be a matter subject to review and approval by the planning commission.~~
 - ~~4. — If located on or along a commercial street front the building design shall be required to support and contribute to street front commerce; or~~

~~Stand alone dwellings incidental to and used in conjunction with the primary permitted use when found to be compatible with and clearly incidental to the primary use and surrounding uses, e.g., care taker cottage or housing for family or others principally engaged in the primary business. This provision is intended for application in conjunction with a business that is not located in an area characterized by typical commercial street frontage.~~

~~The planning commission specifically reserves the right to disapprove construction of dwellings in conjunction with commercial development on the basis of health, safety and welfare of potential occupants or if location of dwelling units displaces or is likely over time to displace the street front commercial presence of a retail structure.~~

B.A. Light manufacturing, repair, and storage - Including equipment repair, and machine shop uses such as:

1. Assembly, fabrication and distribution of metal products, electrical appliances, electronic instruments and devices;
2. Research and development including testing sites for instruments and devices developed for proprietary use or sale;
3. Repair, reconditioning, or rebuilding of fleet vehicles, farm equipment, heavy commercial equipment;
4. Wholesale distribution of fuel or foodstuffs including: heating oil or natural gas, brewery, distillery, winery, cereal mill;

5. Equipment storage of contractors' or loggers' equipment and truck storage yard, plant, repair, rental; storage of materials and parking of vehicles integral to the principal uses permitted outright; storage and parking; contained within an enclosed building or screened in a manner to avoid conflicts with surrounding permitted uses.
 6. Other storage conducted within an enclosed building or otherwise screened and shielded in a manner to achieve compatibility with surrounding uses.
- ~~C.B.~~ Small animal hospitals, veterinary facilities or offices.
- ~~D.C.~~ Short-term rentals pursuant to the standards of WSMC Ch. 5.02 and WSMC Ch. 17.57.
- ~~E.D.~~ Any other uses judged by the planning commission to be no more detrimental to adjacent properties than, and of the same type and character as, the above-listed uses.

In addition to conditions applied in response to conditional use permit criteria; **clear and objective** design standards listed in the commercial zone will be applied and included as conditions of approval when necessary to achieve compatibility with existing and permitted uses in the area.

(Ord. No. 2012-12-910, 12-19-2012; Ord. No. 2022-02-1096, § 1, 2-16-2022)

17.48.040 Accessory uses.

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

- A. Uses and structures customarily incidental to principal uses permitted outright;
- B. Signs as permitted by the Sign Ordinance, Chapter 15.12 of this code;
- C. Commercial parking lots for private passenger vehicles only.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.060 Density provisions.

Density provisions for the C district are as follows:

- A. Maximum building height: ~~three~~ **four** stories, but not to exceed ~~thirty-five~~ **fifty** 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.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.070 Prohibited uses.

- A. Industrial and manufacturing uses or services unless limited in nature and permitted in accordance with uses listed above.
- B. Warehouses and storage facilities unless limited in nature and permitted in accordance with uses listed above.

- C. Junk and salvage yards, automobile or truck wrecking yards.
- D. Open storage areas.
- E. Any business, service, repair, processing or storage not conducted wholly within an enclosed building, except for **open-air markets, pop-up shops, food trucks**, off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.
- F. Processes and equipment and goods processed or sold determined to be objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste, or not in compliance with the fire code.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.075 Development and design standards.

- A. Property development standards—All new development shall conform to Chapter 17.81, Site and Building Plan Review, and to any and all architectural and design standards which may be adopted by the city.
- B. Roof standards/surfacing:
 - 1. Finished roof material shall meet Class "C" roof standards. Dark and non-reflective roofing material shall be used for all visible roof surfaces.
- C. Roof standards/mechanical equipment and venting:
 - 1. All mechanical equipment located on roof surfaces such as, but not limited to, air conditioners, heat pumps, fans, ventilator shafts, duct work, or related devices or support work, shall be screened from view when possible and visible equipment shall be of a matte and/or non-reflective finish, unless reviewed and determined by the planning commission to be compatible with or a positive addition to the design and character of the commercial area. This restriction shall not apply to radio/television antennas or dishes (see Chapter 17.78).
 - 2. All exposed metal flashing, roof jacks and plumbing vents shall be matte finishes/non-reflective.
- D. Drainage—All storm water concentrated by the structure and related impervious surfaces must be handled on site. Concentration of roof drainage shall not be shed by drip or overflow at points that cross pedestrian walkways or paths. A plan of the roof and surface drainage shall insure that pedestrian walkways and paths remain free from concentrated water shedding. Such plans shall be included in the proposed site drainage plan required for site and building plan review in Chapter 17.81.
- E. Exterior walls/siding—Acceptable siding shall be of lap, plank, shingle, board and batten style. Siding with brushed, sanded or rough sawn texture may be permitted, if approved by the planning commission. Siding shall be finished in natural or earth-tone colors. Other colors or styles may be permitted if approved by the planning commission. All other composition materials shall be carefully reviewed for visual compatibility by the planning commission.
- F. Exterior walls/masonry—Masonry walls or walls with masonry veneer may be native or cultured stone or standard-sized brick of natural or earth-tone colors. Ceramic tile, manufactured concrete block or slabs may be permitted, but shall be subject to review by the planning commission to insure use of earth-tone colors, matte finish, and compatible relationship to native materials.
- G. Exterior walls/metal—Metal walls, panels, partitions, facing or surfacing of any type is subject to review by the planning commission and must be found to be compatibly designed and intentionally applied rather than relied on solely as a less expensive option. Window panel fillers, exterior metal doors, door casings and windows shall be allowed.

- H. Windows and doors—All window and door frames shall be dark or earth-tone in color. Doors may be painted graphic colors as a part of the ten percent graphic color and signing limitation.
- I. Garbage and refuse areas—Building plans shall include provisions for the storage of garbage containers. Garbage containers shall be fully enclosed and covered. Disposal and storage of hazardous or toxic substances in garbage or refuse receptacles is strictly prohibited. On-site hazardous waste treatment and storage facilities shall conform to State Siting Criteria, RCW 70.105.210.
- J. Orientation of entry and display space—Entry and window display area shall be oriented toward the city street. Parking may and will often be provided behind and/or under the rear or side portion of a new commercial structure. In this case additional entry may be oriented toward the parking area but such additional entry area will be in addition to rather than in place of window display and entry area addressing the street and sidewalk.
- K. Utilities—All electrical, telephone, and other utilities shall be brought underground into the site and to the buildings.
- L. Loading—All loading must be on-site and no on-street loading is permitted. All truck loading aprons and other loading areas shall be paved with concrete or asphalt, be well-drained and of strength adequate for the truck traffic expected.
- M. Parking—All vehicles must be parked on the site unless otherwise provided for in accordance with [Chapter] 17.72. No on-street parking is permitted. Minimum parking stall width should be eight feet, six inches and length nineteen feet. All parking areas shall be paved with concrete or asphalt and shall conform to all regulations hereinafter in effect.
- N. Outside storage—All storage and refuse shall be visually screened by landscaping barriers, walls or coverings and be included in plans and specifications. Such barriers, walls or coverings shall not restrict access to emergency exits.
- O. Noxious effects:
 - 1. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible at the property line of the use concerned.
 - 2. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent properties.
 - 3. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard.

(Ord. No. 2012-12-910, 12-19-2012; Ord. No. 2016-10-995, § 1, 11-16-2016)

17.48.080 Off-street parking space.

In the C district, minimum off-street parking shall be provided as specified in Chapter 17.72. Most notably Section 17.72.060 exempting some existing structures from being required to meet off street parking standards and limiting the instances in which expanded building areas are required to meet a parking standard. Allowances for parking to be located walking distance from a new structure and joint use of spaces per Section 17.72.070 may also be authorized when determined by the planning commission to provide appropriate flexibility in the application of parking requirements in the core downtown area. (Jewett commercial street front.)

(Ord. No. 2012-12-910, 12-19-2012)

Chapter 17.50 RD RIVERFRONTAGE DISTRICT

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 mixed 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, and clear and objective design standards, if any, shall be considered.

(Ord. No. 2012-11-905, 11-26-2012)

17.50.020 Principal uses permitted subject to site plan review.

Subject to site plan review in accordance with [Chapter 17.81], 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.
- B. Mixed-use residential buildings, where the ground floor includes at least 50% commercial uses conforming to the district standards.

(Ord. No. 2012-11-905, 11-26-2012)

17.50.030 Conditional uses permitted subject to site plan review.

Subject to site plan review in accordance with [Chapter 17.81], conditional uses which may be authorized by the [planning commission] 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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.50.050 Density provisions.

Density provisions for the RD district are as follows:

- A. Maximum Building Height. Four stories, not to exceed ~~forty-five~~ fifty feet, unless in a viewshed overlay zone; 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:	Two hundred fifty <u>feet (rear alley access required)</u>
	On secondary road:	Seventy-five feet
D. Minimum Front Yard.	To SR 14:	Twenty five <u>twelve</u> feet
	To secondary road:	Twenty five <u>twelve</u> feet
E. Minimum Side Yard.	To SR 14:	Twenty five <u>five</u> feet
	To secondary road:	Twenty five <u>five</u> feet
	Otherwise:	Ten <u>three</u> feet
F. Minimum Rear Yard.	To SR 14:	Twenty five <u>ten</u> feet
	To secondary road:	Twenty five <u>ten</u> feet
	Otherwise:	Twenty five <u>five</u> feet
G. Landscape Buffer.	To SR 14:	Twelve <u>four</u> feet
	To secondary road:	Ten <u>four</u> feet

- H. ~~Ratio of lot width to length not to exceed one to four~~ minimum lot depth fifty feet, minimum lot width thirty feet;

(Supp. No. 26)

Created: 2023-09-15 10:52:08 [EST]

- I. SR 14 Access Separation. Four hundred feet where possible, two hundred foot minimum with a roadway access permit from the city engineer.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2018-11-1028, § 1, 11-7-2018)

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 [Section] 17.50.050I.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.50.080 Off-street parking.

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

(Ord. No. 2012-11-905, 11-26-2012)

17.50.090 Utility requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

17.50.100 Signs.

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

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.64 ACCESSORY DWELLING UNITS

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.64.020 Location.

The accessory dwelling unit (ADU) overlay shall apply to all residential zoning districts. An ADU may be allowed where an existing structure is non-conforming.

(Ord. No. 2012-11-905, 11-26-2012)

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 Up to three ADUs 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 ~~four thousand five hundred~~ two thousand 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 structures, ~~an~~ additions, or new detached structures, converted to, or constructed for the purpose of creating ~~an~~ ADUs shall not exceed fifty one hundred percent of the gross floor area of the primary single family structure, not including garage and/or detached accessory buildings. 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 ~~three two~~ hundred square feet even if this exceeds the maximum requirement in [subsection] (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 ~~forty sixty~~ percent 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. Assigned parking in remote lots, including approved shared parking under binding agreements, may be substituted for the required off-

street parking if they are within 100 feet of the subject property. Where a lot is within ¼ mile of a transit stop, the required number of off-street spaces may be reduced to one-half for each ADU (minimum one per property).

- 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.J. 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.K.~~ 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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.68 DESIGN AND USE STANDARDS

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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~~ four feet from the face of the projection to the property line. ~~No accessory buildings are permitted in the front yard.~~ Fences up to forty-two inches high are allowed on the front property line.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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 setback up to three feet from the rear lot line. 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. ADUs may be located a minimum of three feet from the rear lot line when the rear lot line adjoins an alley.

(Ord. No. 2012-11-905, 11-26-2012)

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-five-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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.68.130 Manufactured home siting standards.

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;
- ~~B. The manufactured home shall have three of the following elements: garage or carport; covered porch or entry; gables; bay windows; window shutters; dormers; eaves with a minimum projections of six inches.~~
- ~~C. The home shall have a roof pitch of at least 3:12;~~
- D. 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;
- E. 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;
- F. 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;
- G. 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;
- H. The unit must be installed on the site in accordance with the state installation code (WAC 296-150B);
- I. Include a finished porch or deck for each entrance door.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2016-10-993, § 1, 10-19-2016)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.68.150 ~~Town~~ Rowhouse siting standards.

- A. Each ~~townhouse~~ rowhouse in ~~the townhouse a~~ project shall have a minimum width of ~~twenty~~ twenty two 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 rowhouse~~ is destroyed in any manner, it shall be replaced in compliance with the ~~townhouse rowhouse~~ 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. conforming lot.~~
- G. Project Design:
1. ~~Buildings shall conform to the approved design standards for rowhome design, if any. Buildings should be articulated to provide identity for individual units and buildings shall meet stepped height limits. Maximum height twenty five feet within ten feet of side property. Maximum height is twenty eight 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 (two feet 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 ten feet 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 two feet.

- I. Garage Designs:
 - 1. All garage structures must ~~be consistent and compatible with the~~ use the same architecture and materials ~~of as the townhouses rowhouses.~~
 - 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 eighty 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~~ rowhouse 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.68.170 Fire safety standards.

- A. Development shall be set back at least fifty feet from the top of major slopes greater than thirty percent or thirty 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 noncombustible 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 one-half inches in size.
 - d. Screens of noncombustible corrosion resistant mesh screening material with openings one-fourth inches or less in size employed on roof and foundation vents to keep sparks and embers out.
 - e. Screen under decks less than three feet in height with noncombustible corrosion resistant mesh screening material with openings one-fourth inches 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. Twelve to sixteen feet driving surface with fourteen to sixteen feet horizontal clearance (free of branches, fences, and other structures...) and fourteen feet of vertical clearance are required to ensure free passage of emergency response vehicles.
 - b. If your driveway is longer than one hundred fifty 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.68.180 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 one hundred fifty 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 sixty 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

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

- 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 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.

(Ord. No. 2012-11-905, 11-26-2012)

17.68.190 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.

(Ord. No. 2012-11-905, 11-26-2012)

Chapter 17.72 OFF-STREET PARKING AND LOADING

17.72.010 Standards generally.

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

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.72.030 New uses—Minimum requirements.

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

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.
- D. Assigned parking in remote lots may be substituted for the required off-street parking if they are located within 100 feet of the subject property. Where a lot is within ¼ mile of a transit stop, the required number of off-street spaces may be reduced by 50% (minimum one per property).

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

17.72.090 Number of spaces for designated uses.

The following table sets out minimum standards for parking spaces:

Use	Spaces Required
Residential structures	2 for each dwelling unit unless otherwise specified; 1 for each ADU; reduced by 50% when within ¼ mile of a transit stop
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

(Ord. No. 2012-11-905, 11-26-2012)

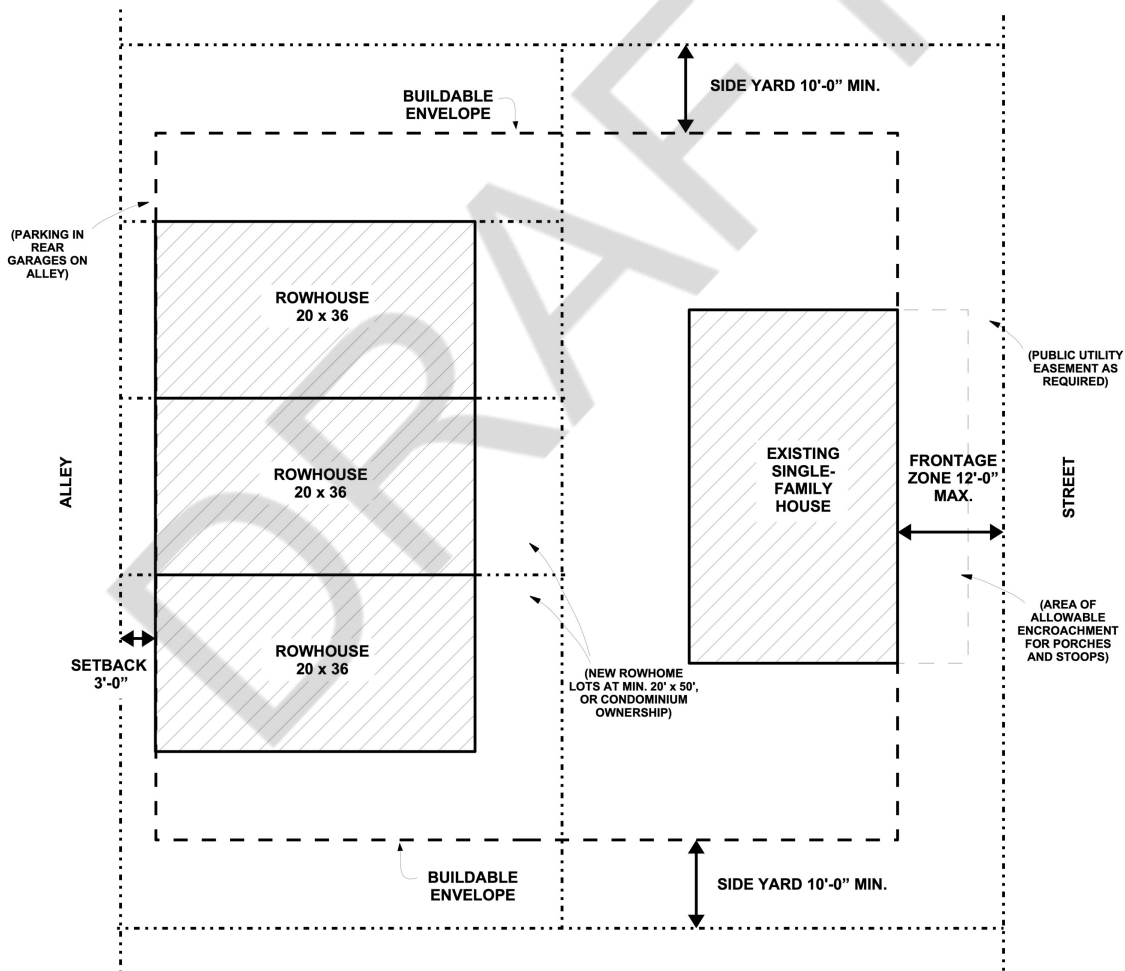
Chapter 17.79 – GRAPHICAL AND FORM-BASED GUIDELINES

17.79.010. Purpose.

The purpose of this section is to provide clear and objective criteria sufficient to grant timely approval for applications, with a particular focus on infill of “middle housing” (accessory dwellings, duplexes, multiplexes, rowhomes, and small apartments). Where a conflict exists between these guidelines and other provisions of this code, the other provisions shall govern.

17.79.020. Rowhouse addition.

[EXAMPLE ONLY]



**EXAMPLE: 100' x 100' LOT WITH
THREE ADDED ROWHOUSES**

SECTION 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect and be in force five (5) days after its approval, passage and publication as required by law.

SECTION 4: Transmittal to the State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

PASSED this ___ day of _____ by the City Council of the City of White Salmon, Washington, and signed in authentication of its passage.

Marla Keethler, Mayor

ATTEST:

City Clerk/Treasurer

APPROVED AS TO FORM:

City Attorney



MEMO

TO: Mayor Marla Keethler
City of White Salmon, Washington
SUBJECT: Revised draft of proposed changes to WSMC Title 17
DATE: November 3, 2023

Thank you for the work that you, the Council and Planning Commission did last night. It was very helpful to me in identifying areas that needed additional attention. In response to the comments, I have revised the draft and attach it here. The changes made include:

- Added Section 17.08.280 on Height of Building, stipulating that the “reference datum” is calculated based on the existing elevation at all four corners prior to commencement of the project.
- Removed height increase in 17.23.035.A.5 (stays the same). Also removed similar height increases in 17.24.035.A.5 and 17.28.034.A5.
- Reduced the height increase in 17.32.040.A from four stories to three (allowing more affordable walk-up apartments and three-story rowhomes).
- Retained the height increase to four stories in 17.48.060.A (Commercial) which is the same as what is now allowed in the Riverfront District.
- Clarified language in 17.23.035.B.2 and other similar sections, allowing sewer stub-outs for accessory dwellings.
- Simplified language in 17.23.035.B.3 and other similar sections, to stipulate that accessory structures may be located up to three feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least fifteen feet in width (consistent with other setback standards).
- Removed redundant language from 17.23.040 B and C.
- Modified parking requirements to stipulate that reductions are allowed when with 1/4 mile of a transit stop (this is more lenient than the State provision that NO parking can be required within 1/2 mile of a transit stop). Added language to allow “approved shared parking under binding agreements.”

I share the concern that more specific graphical guidance is needed, as well as user-friendly prototype plans. I will be preparing this material for discussion at the Planning Commission meeting next Wednesday.



MEMO

TO: Mayor Marla Keethler
City of White Salmon, Washington
SUBJECT: Analysis of Washington State provisions for ADUs and comparison to WSMC proposal
DATE: November 3, 2023

As requested, I have conducted an analysis of the State’s ADU provisions, and compared them to our proposed code changes. Most of these are included in HB 1337, but there are additional provisions in SB 5045 (provides a property tax exemption for ADUs rented to low-income households) and HB 1293 (for “clear and objective standards” for design review).

Below is a summary of the State’s provisions, with a highlighted note on each whether we meet or exceed (yellow highlight) or do not meet (red highlight) those provisions in our current draft.

- Up to two ADUs per legal lot (we allow up to three)
- Can be freestanding or addition (we also allow)
- Can be remodeled space, i.e. garage (we also allow)
- Can be sold separately as a condominium unit (not specified)
- No restrictions on setbacks etc. that are more restrictive than the main unit (we also allow)
- City must allow the unit on the lot line of an alley (no setback required) unless the alley is snow-plowed (we allow three-foot setback)
- City cannot mandate street improvements (not specified)
- City cannot restrict size below 1,000 SF (we require no larger than the size of the main house)
- City cannot restrict height below 24 feet, unless that applies to the main house also (we also do not restrict)
- City cannot impose aesthetic standards that are stricter than the main house (see also HB 1293 on “clear and objective standards”) (we do not restrict)
- No onsite parking for units within ½ mile of a transit stop (we propose 50% reduction within ¼ mile)
- Parking requirements are reduced based on lot size (not specified)
- Impact fees may not be assessed more than 1/2 of the main house (not specified)
- HOAs may not impose CC&Rs restricting ADUs beyond what the law allows (not specified)
- Owner is not required to live on site (we do not restrict)
- Property tax exemptions for low-income renters (in SB 5045) (we do not provide)
- Other miscellaneous provisions that are not directly relevant.

A copy of HB 1337 is attached.

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1337

Chapter 334, Laws of 2023

(partial veto)

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—ACCESSORY DWELLING UNITS—URBAN GROWTH AREAS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 85 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 39 Nays 7

DENNY HECK

President of the Senate

Approved May 8, 2023 1:13 PM with the
exception of section 5, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1337 as passed
by the House of Representatives and
the Senate on the dates hereon set
forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1337

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri, and Stonier

Read first time 01/16/23. Referred to Committee on Housing.

1 AN ACT Relating to expanding housing options by easing barriers
2 to the construction and use of accessory dwelling units; amending RCW
3 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to
4 chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding
5 a new section to chapter 64.32 RCW; adding a new section to chapter
6 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new
7 section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400,
8 36.70.677, and 43.63A.215.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
11 findings:

12 (a) Washington state is experiencing a housing affordability
13 crisis. Many communities across the state are in need of more housing
14 for renters across the income spectrum.

15 (b) Many cities dedicate the majority of residentially zoned land
16 to single detached houses that are increasingly financially out of
17 reach for many households. Due to their smaller size, accessory
18 dwelling units can provide a more affordable housing option in those
19 single-family zones.

20 (c) Localities can start to correct for historic economic and
21 racial exclusion in single-family zones by opening up these

1 (1) "Accessory dwelling unit" means a dwelling unit located on
2 the same lot as a single-family housing unit, duplex, triplex,
3 townhome, or other housing unit.

4 (2) "Attached accessory dwelling unit" means an accessory
5 dwelling unit located within or attached to a single-family housing
6 unit, duplex, triplex, townhome, or other housing unit.

7 (3) "City" means any city, code city, and town located in a
8 county planning under RCW 36.70A.040.

9 (4) "County" means any county planning under RCW 36.70A.040.

10 (5) "Detached accessory dwelling unit" means an accessory
11 dwelling unit that consists partly or entirely of a building that is
12 separate and detached from a single-family housing unit, duplex,
13 triplex, townhome, or other housing unit and is on the same property.

14 (6) "Dwelling unit" means a residential living unit that provides
15 complete independent living facilities for one or more persons and
16 that includes permanent provisions for living, sleeping, eating,
17 cooking, and sanitation.

18 (7) "Gross floor area" means the interior habitable area of a
19 dwelling unit including basements and attics but not including a
20 garage or accessory structure.

21 (8) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or
23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including
26 transitways;

27 (d) Stops on bus rapid transit routes or routes that run on high
28 occupancy vehicle lanes; or

29 (e) Stops for a bus or other transit mode providing actual fixed
30 route service at intervals of at least fifteen minutes for at least
31 five hours during the peak hours of operation on weekdays.

32 ((+8)) (9) "Owner" means any person who has at least 50 percent
33 ownership in a property on which an accessory dwelling unit is
34 located.

35 ((+9)) (10) "Principal unit" means the single-family housing
36 unit, duplex, triplex, townhome, or other housing unit located on the
37 same lot as an accessory dwelling unit.

38 (11) "Short-term rental" means a lodging use, that is not a hotel
39 or motel or bed and breakfast, in which a dwelling unit, or portion

1 thereof, is offered or provided to a guest by a short-term rental
2 operator for a fee for fewer than 30 consecutive nights.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) (a) Cities and counties planning under this chapter must adopt
6 or amend by ordinance, and incorporate into their development
7 regulations, zoning regulations, and other official controls the
8 requirements of this section and of section 4 of this act, to take
9 effect six months after the jurisdiction's next periodic
10 comprehensive plan update required under RCW 36.70A.130.

11 (b) In any city or county that has not adopted or amended
12 ordinances, regulations, or other official controls as required under
13 this section, the requirements of this section and section 4 of this
14 act supersede, preempt, and invalidate any conflicting local
15 development regulations.

16 (2) Ordinances, development regulations, and other official
17 controls adopted or amended pursuant to this section and section 4 of
18 this act must only apply in the portions of towns, cities, and
19 counties that are within urban growth areas designated under this
20 chapter.

21 (3) Any action taken by a city or county to comply with the
22 requirements of this section or section 4 of this act is not subject
23 to legal challenge under this chapter or chapter 43.21C RCW.

24 (4) Nothing in this section or section 4 of this act requires or
25 authorizes a city or county to authorize the construction of an
26 accessory dwelling unit in a location where development is restricted
27 under other laws, rules, or ordinances as a result of physical
28 proximity to on-site sewage system infrastructure, critical areas, or
29 other unsuitable physical characteristics of a property.

30 (5) Nothing in this section or in section 4 of this act prohibits
31 a city or county from:

32 (a) Restricting the use of accessory dwelling units for short-
33 term rentals;

34 (b) Applying public health, safety, building code, and
35 environmental permitting requirements to an accessory dwelling unit
36 that would be applicable to the principal unit, including regulations
37 to protect ground and surface waters from on-site wastewater;

38 (c) Applying generally applicable development regulations to the
39 construction of an accessory unit, except when the application of

1 such regulations would be contrary to this section or to section 4 of
2 this act;

3 (d) Prohibiting the construction of accessory dwelling units on
4 lots that are not connected to or served by public sewers; or

5 (e) Prohibiting or restricting the construction of accessory
6 dwelling units in residential zones with a density of one dwelling
7 unit per acre or less that are within areas designated as wetlands,
8 fish and wildlife habitats, flood plains, or geologically hazardous
9 areas.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) In addition to ordinances, development regulations, and other
13 official controls adopted or amended to comply with this section and
14 section 3 of this act, a city or county must comply with all of the
15 following policies:

16 (a) The city or county may not assess impact fees on the
17 construction of accessory dwelling units that are greater than 50
18 percent of the impact fees that would be imposed on the principal
19 unit;

20 (b) The city or county may not require the owner of a lot on
21 which there is an accessory dwelling unit to reside in or occupy the
22 accessory dwelling unit or another housing unit on the same lot;

23 (c) The city or county must allow at least two accessory dwelling
24 units on all lots that are located in all zoning districts within an
25 urban growth area that allow for single-family homes in the following
26 configurations:

27 (i) One attached accessory dwelling unit and one detached
28 accessory dwelling unit;

29 (ii) Two attached accessory dwelling units; or

30 (iii) Two detached accessory dwelling units, which may be
31 comprised of either one or two detached structures;

32 (d) The city or county must permit accessory dwelling units in
33 structures detached from the principal unit;

34 (e) The city or county must allow an accessory dwelling unit on
35 any lot that meets the minimum lot size required for the principal
36 unit;

37 (f) The city or county may not establish a maximum gross floor
38 area requirement for accessory dwelling units that is less than 1,000
39 square feet;

1 (g) The city or county may not establish roof height limits on an
2 accessory dwelling unit of less than 24 feet, unless the height
3 limitation that applies to the principal unit is less than 24 feet,
4 in which case a city or county may not impose roof height limitation
5 on accessory dwelling units that is less than the height limitation
6 that applies to the principal unit;

7 (h) A city or county may not impose setback requirements, yard
8 coverage limits, tree retention mandates, restrictions on entry door
9 locations, aesthetic requirements, or requirements for design review
10 for accessory dwelling units that are more restrictive than those for
11 principal units;

12 (i) A city or county must allow detached accessory dwelling units
13 to be sited at a lot line if the lot line abuts a public alley,
14 unless the city or county routinely plows snow on the public alley;

15 (j) A city or county must allow accessory dwelling units to be
16 converted from existing structures, including but not limited to
17 detached garages, even if they violate current code requirements for
18 setbacks or lot coverage;

19 (k) A city or county may not prohibit the sale or other
20 conveyance of a condominium unit independently of a principal unit
21 solely on the grounds that the condominium unit was originally built
22 as an accessory dwelling unit; and

23 (l) A city or county may not require public street improvements
24 as a condition of permitting accessory dwelling units.

25 (2)(a) A city or county subject to the requirements of this
26 section may not:

27 (i) Require off-street parking as a condition of permitting
28 development of accessory dwelling units within one-half mile walking
29 distance of a major transit stop;

30 (ii) Require more than one off-street parking space per unit as a
31 condition of permitting development of accessory dwelling units on
32 lots smaller than 6,000 square feet before any zero lot line
33 subdivisions or lot splits; and

34 (iii) Require more than two off-street parking spaces per unit as
35 a condition of permitting development of accessory dwelling units on
36 lots greater than 6,000 square feet before any zero lot line
37 subdivisions or lot splits.

38 (b) The provisions of (a) of this subsection do not apply:

39 (i) If a local government submits to the department an empirical
40 study prepared by a credentialed transportation or land use planning

1 expert that clearly demonstrates, and the department finds and
2 certifies, that the application of the parking limitations of (a) of
3 this subsection for accessory dwelling units will be significantly
4 less safe for vehicle drivers or passengers, pedestrians, or
5 bicyclists than if the jurisdiction's parking requirements were
6 applied to the same location for the same number of detached houses.
7 The department must develop guidance to assist cities and counties on
8 items to include in the study; or

9 (ii) To portions of cities within a one mile radius of a
10 commercial airport in Washington with at least 9,000,000 annual
11 enplanements.

12 (3) When regulating accessory dwelling units, cities and counties
13 may impose a limit of two accessory dwelling units, in addition to
14 the principal unit, on a residential lot of 2,000 square feet or
15 less.

16 (4) The provisions of this section do not apply to lots
17 designated with critical areas or their buffers as designated in RCW
18 36.70A.060, or to a watershed serving a reservoir for potable water
19 if that watershed is or was listed, as of the effective date of this
20 section, as impaired or threatened under section 303(d) of the
21 federal clean water act (33 U.S.C. Sec. 1313(d)).

22 ***NEW SECTION. Sec. 5. A new section is added to chapter 36.70A**
23 **RCW to read as follows:**

24 **To encourage the use of accessory dwelling units for long-term**
25 **housing, cities and counties may adopt ordinances, development**
26 **regulations, and other official controls which waive or defer fees,**
27 **including impact fees, defer the payment of taxes, or waive specific**
28 **regulations. Cities and counties may only offer such reduced or**
29 **deferred fees, deferred taxes, waivers, or other incentives for the**
30 **development or construction of accessory dwelling units if:**

31 **(1) The units are located within an urban growth area; and**

32 **(2) The units are subject to a program adopted by the city or**
33 **county with effective binding commitments or covenants that the units**
34 **will be primarily utilized for long-term housing consistent with the**
35 **public purpose for this authorization.**

***Sec. 5 was vetoed. See message at end of chapter.**

36 **Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to
37 read as follows:

1 (1) Adoption of ordinances, development regulations and
2 amendments to such regulations, and other nonproject actions taken by
3 a city to implement: The actions specified in section 2, chapter 246,
4 Laws of 2022 unless the adoption of such ordinances, development
5 regulations and amendments to such regulations, or other nonproject
6 actions has a probable significant adverse impact on fish habitat;
7 and the increased residential building capacity actions identified in
8 RCW 36.70A.600(1), with the exception of the action specified in RCW
9 36.70A.600(1)(f), are not subject to administrative or judicial
10 appeals under this chapter.

11 (2) Adoption of ordinances, development regulations and
12 amendments to such regulations, and other nonproject actions taken by
13 a city or county consistent with the requirements of sections 3 and 4
14 of this act are not subject to administrative or judicial appeals
15 under this chapter.

16 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
17 read as follows:

18 (1) The growth management hearings board shall hear and determine
19 only those petitions alleging either:

20 (a) That, except as provided otherwise by this subsection, a
21 state agency, county, or city planning under this chapter is not in
22 compliance with the requirements of this chapter, chapter 90.58 RCW
23 as it relates to the adoption of shoreline master programs or
24 amendments thereto, or chapter 43.21C RCW as it relates to plans,
25 development regulations, or amendments, adopted under RCW 36.70A.040
26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
27 to hear petitions alleging noncompliance (~~with RCW 36.70A.5801~~)
28 based on a city or county's actions taken to implement the
29 requirements of sections 3 and 4 of this act within an urban growth
30 area;

31 (b) That the (~~twenty~~) 20-year growth management planning
32 population projections adopted by the office of financial management
33 pursuant to RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city regarding
6 the matter on which a review is being requested; (c) a person who is
7 certified by the governor within (~~sixty~~) 60 days of filing the
8 request with the board; or (d) a person qualified pursuant to RCW
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency, governmental
12 subdivision or unit thereof, or public or private organization or
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)
15 of this section, a person must show that his or her participation
16 before the county or city was reasonably related to the person's
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management
19 planning population projection prepared by the office of financial
20 management, the board shall consider the implications of any such
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board
23 must be documented and filed with the office of financial management
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning
26 population projection shall only be used for the planning purposes
27 set forth in this chapter and shall be known as the "board adjusted
28 population projection." None of these changes shall affect the
29 official state and county population forecasts prepared by the office
30 of financial management, which shall continue to be used for state
31 budget and planning purposes.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A
33 RCW to read as follows:

34 (1) By December 31, 2023, the department must revise its
35 recommendations for encouraging accessory dwelling units to include
36 the provisions of sections 3 and 4 of this act.

37 (2) During each comprehensive plan review required by RCW
38 36.70A.130, the department must review local government comprehensive
39 plans and development regulations for compliance with sections 3 and

1 4 of this act and the department's recommendations under subsection
2 (1) of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 64.34
4 RCW to read as follows:

5 (1) Except a declaration created to protect public health and
6 safety, and ground and surface waters from on-site wastewater, a
7 declaration created after the effective date of this section and
8 applicable to a property located within an urban growth area may not
9 impose any restriction or prohibition on the construction,
10 development, or use on a lot of an accessory dwelling unit that the
11 city or county in which the urban growth area is located would be
12 prohibited from imposing under section 4 of this act.

13 (2) For the purposes of this section, "urban growth area" has the
14 same meaning as in RCW 36.70A.030.

15 (3) A city or county issuing a permit for the construction of an
16 accessory dwelling unit may not be held civilly liable on the basis
17 that the construction of the accessory dwelling unit would violate a
18 restrictive covenant or deed restriction.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 64.32
20 RCW to read as follows:

21 (1) Except a declaration created to protect public health and
22 safety, and ground and surface waters from on-site wastewater, a
23 declaration created after the effective date of this section and
24 applicable to a property located within an urban growth area may not
25 impose any restriction or prohibition on the construction,
26 development, or use on a lot of an accessory dwelling unit that the
27 city or county in which the urban growth area is located would be
28 prohibited from imposing under section 4 of this act.

29 (2) For the purposes of this section, "urban growth area" has the
30 same meaning as in RCW 36.70A.030.

31 (3) A city or county issuing a permit for the construction of an
32 accessory dwelling unit may not be held civilly liable on the basis
33 that the construction of the accessory dwelling unit would violate a
34 restrictive covenant or deed restriction.

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38
36 RCW to read as follows:

1 (1) Except governing documents of associations created to protect
2 public health and safety, and ground and surface waters from on-site
3 wastewater, governing documents of associations created after the
4 effective date of this section and applicable to a property located
5 within an urban growth area may not impose any restriction or
6 prohibition on the construction, development, or use on a lot of an
7 accessory dwelling unit that the city or county in which the urban
8 growth area is located would be prohibited from imposing under
9 section 4 of this act.

10 (2) For the purposes of this section, "urban growth area" has the
11 same meaning as in RCW 36.70A.030.

12 (3) A city or county issuing a permit for the construction of an
13 accessory dwelling unit may not be held civilly liable on the basis
14 that the construction of the accessory dwelling unit would violate a
15 restrictive covenant or deed restriction.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 64.90
17 RCW to read as follows:

18 (1) Except declarations and governing documents of common
19 interest communities created to protect public health and safety, and
20 ground and surface waters from on-site wastewater, declarations and
21 governing documents of common interest communities created after the
22 effective date of this section and applicable to a property located
23 within an urban growth area may not impose any restriction or
24 prohibition on the construction, development, or use on a lot of an
25 accessory dwelling unit that the city or county in which the urban
26 growth area is located would be prohibited from imposing under
27 section 4 of this act.

28 (2) For the purposes of this section, "urban growth area" has the
29 same meaning as in RCW 36.70A.030.

30 (3) A city or county issuing a permit for the construction of an
31 accessory dwelling unit may not be held civilly liable on the basis
32 that the construction of the accessory dwelling unit would violate a
33 restrictive covenant or deed restriction.

34 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

37 (2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

38 (3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

1 (4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and
2 (5) RCW 43.63A.215 (Accessory apartments—Development and
3 placement—Local governments) and 1993 c 478 s 7.

Passed by the House April 14, 2023.

Passed by the Senate April 6, 2023.

Approved by the Governor May 8, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 5, Engrossed House Bill No. 1337 entitled:

"AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units."

Section 5 of the bill gives local governments authority to waive or defer fees, defer payment of taxes, or waive other regulations for the development of accessory dwelling units (ADUs) if specified conditions are met. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. Current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs.

For these reasons I have vetoed Section 5 of Engrossed House Bill No. 1337.

With the exception of Section 5, Engrossed House Bill No. 1337 is approved."

--- END ---



MEMO

TO: Mayor Marla Keethler
City of White Salmon, Washington
SUBJECT: Proposed Graphical Additions to Code Update, Review of State Model Ordinance
DATE: November 3, 2023

Further to the code revisions, I have reviewed the State of Washington model “middle housing” ordinance forwarded by Councilor Lindley (attached). My notes are as follows:

Most of our requirements go farther than theirs (e.g. higher density, tighter setbacks) except for the following:

- a. Parking: they mandate no more than one space for lots under 6,000 SF
- b. Maximum building height: they don't allow under 35 feet (our RL is 28 feet)
- c. Form-based code requirements: They have a number of stipulations, e.g. entry orientations, percent of glazing, and similar provisions.
- d. They have administrative design review only, not discretionary review.

While this model ordinance is a good benchmark, given the variables in our case (city size, lack of familiarity with these more urban models) I don't see it as a suitable model ordinance in the literal sense. I would recommend that we continue to modify the current draft. (I would however recommend that the City Attorney review this document for any additional language that may be applicable.)

However, I would suggest adding graphical information to our current draft, to provide user-friendly specifications that make it clearer what can and can't be done in specific cases. I attach several examples, and will discuss these with the Planning Commission on Wednesday. Some of these are diagrammatic form-based code specifications, and some are prototype examples of what would be allowable. (These are only illustrations of what might be possible.)

If this is considered desirable by you, the Council and Planning Commission, I can prepare a package to go with the ordinance within our current timeline.

I would also recommend further modifying several provisions of the current draft:

- Stipulate that in 17.48.070 E, the following are NOT allowed:
 - E. “Any business, service, repair, processing or storage not conducted wholly within an enclosed building, **except for open-air markets, pop-up shops, food trucks**, off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.”
- Change the required setbacks to outer property lines for multiple units on infill lots (duplexes, multiplexes, rowhouses, etc) from 20 feet to 10 feet.
- Increase the number of units allowable for infill from four to five (consistent with the small cottage and rowhouse combination plan attached).

TIER 3 CITIES MIDDLE HOUSING MODEL ORDINANCE

PUBLIC DRAFT

November 6, 2023

Model ordinance text in **bold** are provisions directly from HB 1110. These provisions are mandatory for cities applicable to HB 1110, except where the context indicates otherwise. Some provisions are rewritten for ease of use and to translate state law into local code format.

See the Middle Housing Model Ordinance User Guide for further context, alternatives, and discussion on each topic in this Model Ordinance.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY/TOWN OF _____, WASHINGTON, IMPLEMENTING THE REQUIREMENTS OF ENGROSSED SUBSTITUTE HOUSE BILL (E2SHB) 1110, ADDING NEW SECTIONS _____, AMENDING SECTIONS _____, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (E2SHB) 1110 related to middle housing; and

WHEREAS, in passing E2SHB 1110 the State legislature found that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet affordability goals for future populations; and

WHEREAS, the State legislature further found that in order to meet the goal of 1,000,000 new homes statewide by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted and that increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those established by the legislature in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021); and

WHEREAS, the State legislature further found:

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work;

Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs;

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish anti-displacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021);

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment;

and

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

WHEREAS, on _____, the city/town council passed Ordinance No. _____ incorporating middle housing policies into the Housing Element of the Comprehensive Plan as required by House Bill 1220 (2021); and

WHEREAS, on _____, the city/town transmitted a copy of the proposed ordinance to the Washington State Department of Commerce in accordance with RCW 36.70A.106 at least 60 days in advance of adoption for the required 60-day State review period; and

WHEREAS, on _____, the city/town issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed ordinance, which is a non-project proposal: and

WHEREAS, during the course of developing the proposed ordinance, various means of public outreach were used including, but not limited to, public meetings, a middle housing webpage, tabling events at community events, presentations at various community groups, notification of public hearings; and

WHEREAS, the city/town planning commission held work sessions on _____ to study and review matters related to implementing HB 1110; and

WHEREAS, on _____, the city/town Planning Commission held a duly noticed public hearing on the proposed ordinance, accepted testimony and made a recommendation to the _____ city/town council; and

WHEREAS, on _____, the city/town council held a duly noticed public hearing to consider the planning commission recommendation and accept public testimony; and

WHEREAS, adoption of the ordinance will bring the city/town into compliance with HB 1110 and will serve the general welfare of the public;

NOW THEREFORE BE IT ORDAINED BY THE CITY/TOWN COUNCIL AS FOLLOWS

Section 1 – Purpose

The purpose of this middle housing ordinance (“ordinance”) is to:

- A. Implement Engrossed Second Substitute House Bill 1110, codified in RCW 36.70A.030, 36.70A.280, 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638, 43.21C.495, and 43.21C.450, 64.32, 64.34, and 64.38, and 64.90, by providing land use, development, design, subdivision, and other standards for middle housing developed on all lots zoned predominantly for residential use in applicable cities.
- B. **Supersede, preempt, and invalidate local development regulations should the city fail to have passed ordinances, regulations or other local controls to implement House Bill 1110 within the time frame required by RCW 36.70A.635(11), until such time the city takes all actions necessary to implement RCW 36.70A.635.**

DRAFT

Section 2 – Definitions

The following definitions shall apply for the purposes of this ordinance, notwithstanding other definitions in the development regulations:

“Administrative design review” means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director’s designee based solely on objective design and development standards without a public meeting or hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance.

“All lots zoned predominantly for residential use” means all lots within a zoning district in which residential dwellings are the predominant use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single family residences, if the zones are intended for and permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

“Cottage housing” means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

“Courtyard apartments” means up to four attached dwelling units arranged on two or three sides of a yard or court.”

“Duplex” means a development with two attached dwelling units.

“Fiveplex” means a development with five attached dwelling units.

“Fourplex” means a development with four attached dwelling units.

“Lot, parent” means a lot which is subdivided into unit lots through the unit lot subdivision process.

“Lot, unit” means a subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.

“Major transit stop” means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes.

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

“Public works department” means the public works or engineering department or other department, division, or agency of the city which reviews and approves infrastructure improvements associated with development.

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

“Sixplex” means a development with six attached dwelling units.

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

“Triplex” means a development with three attached dwelling units.

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

“Unit density” means the number of principal dwelling units on a lot, regardless of lot size.

“Unit lot subdivision” means the creation of two or more unit lots within a development which are created from a parent lot and approved through the unit lot subdivision process.

DRAFT

Section 3 – General Provisions

- A. **Nothing in this ordinance prohibits the city from permitting detached single-family residences.**
- B. **Nothing in this ordinance prohibits the city from requiring any development, including middle housing development, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand or modify the requirements of an existing affordable housing program enacted under RCW 36.70A.540.**
- C. **Nothing in this ordinance requires the issuance of a building permit if other federal, state, and local requirements for a building permit are not met.**
- D. **Nothing in this ordinance affects or modifies the responsibilities of the city to plan for or provide urban governmental services as defined in RCW 36.70A.030.**
- E. **The city shall not approve a building permit for middle housing without compliance with the adequate water supply requirements of RCW 19.27.097.**
- F. **The same development permit and environmental review processes shall apply to middle housing that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW.**
- G. **Conflicts. In the event of a conflict between this ordinance and other development regulations applicable to middle housing, the standards of this ordinance control.**

Section 4 – Applicability

- A. The provisions of this ordinance shall apply to all lots zoned predominantly for residential use.
- B. The provisions of this ordinance shall not apply to:
 - 1. Lots designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170.
 - 2. A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).
 - 3. Lots that have been designated urban separators by countywide planning policies as of July 23, 2023.

DRAFT

Section 5 – Middle Housing Types Allowed

On all lots zoned predominantly for residential use the following uses are permitted by-right:

- A. Duplexes.
- B. Triplexes.
- C. Fourplexes.
- D. Fiveplexes.
- E. Sixplexes.
- F. Townhouses.
- G. Stacked flats.
- H. Courtyard apartments.
- I. Cottage housing.

DRAFT

Section 6 – Unit Density

- A. The permitted unit density on all lots zoned predominantly for residential use is two units per lot, unless zoning permitting higher densities or intensities applies.
- B. The standard of subsection (A) does not apply to lots after subdivision below 1,000 square feet unless the city has a smaller allowable lot size in the zone.

DRAFT

Section 7 – Parking Standards

Off-street parking for middle housing shall be subject to the following:

- A. **Transit proximity.** The city shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop.

- B. **Base parking standards.**
 - 1. The city shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet.
 - 2. The city shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet.
 - 3. In a unit lot subdivision with middle housing units, the standards of subsections (B)(1) and (2) above apply to the parent lot, and not to individual unit lots.

- C. **Exemptions.** The off-street parking requirements of (A) and (B) shall not apply in the following locations:
 - 1. Portions of the city within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements in accordance with RCW 36.70A.635(7)(b).
 - 2. Portions of the city certified for a safety exemption from the Department of Commerce in accordance with RCW 36.70A.635(7)(a).

Section 8 – Zoning Dimensional Standards

A. Applicability.

1. Middle housing shall meet clear and objective zoning standards that apply to detached single family residences in the same zone. This includes, but is not limited to, lot size and dimensions, impervious surfaces, and tree canopy and retention requirements.
2. Any zoning standards that apply only to middle housing development are invalid.
3. Zoning dimensional standards invalidated by this section are replaced by the zoning dimensional standards provided in this section.

B. Density. Minimum and maximum densities measured as units per acre, lot area per unit, or similar methods are invalid for middle housing.

C. Units per structure. Minimum and maximum numbers of units per structure for middle housing are invalid, except as provided by the definitions of middle housing types in Section 2.

D. Maximum building height. A maximum height limit for middle housing of less than 35 feet is invalid.

1. Building height shall be measured in accordance with the development regulations.
2. Rooftop appurtenances shall be regulated and measured in accordance with the development regulations.

E. Setbacks.

1. Minimum principal building setbacks from property lines for middle housing greater than the following are invalid:

- a. Street or front: 20 feet.
- b. Garage door (where facing the front of the lot): 20 feet.
- c. Side street: Five feet.
- d. Side interior: Five feet, and zero feet for attached units.
- e. Rear, without an alley: 20 feet.
- f. Rear alley: Five feet.

2. Setback projections.

- a. Covered porches and entries may project up to five feet into required front and rear setbacks.
- b. Balconies and bay windows may project up to three feet into required front and rear setbacks.
- c. Other setback projections shall be regulated and measured in accordance with the development regulations.

3. Nothing in this subsection affects setbacks for accessory dwelling units and other accessory structures.
 4. Flag lots, through lots, unusually-shaped lots, and setback measurements are regulated in accordance with the development regulations.
- F. Maximum lot coverage. Maximum lot coverage for middle housing less than the following is invalid: 40 percent.

DRAFT

Section 9 – Design Standards

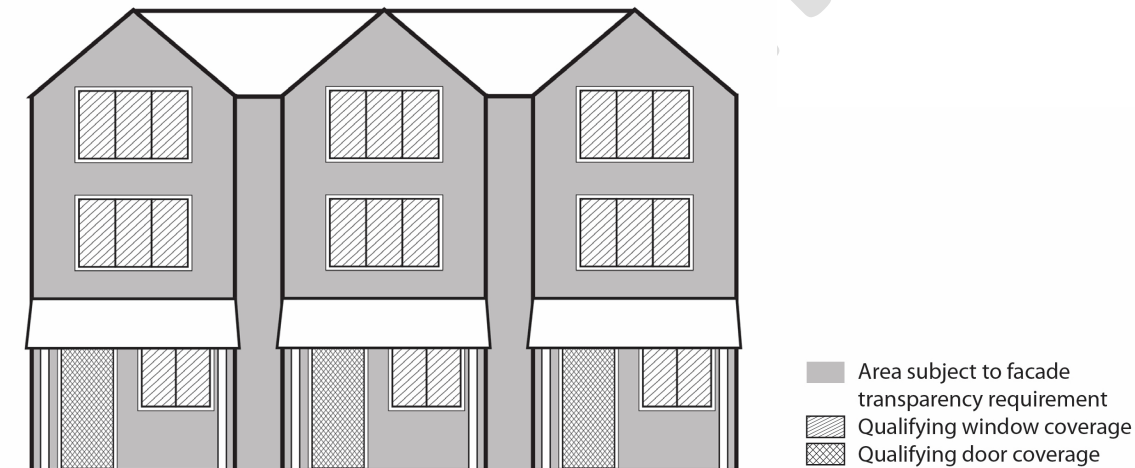
A. Generally.

1. These standards apply to all middle housing types.
2. Design review for middle housing shall be administrative.
3. These design standards do not apply to the conversion of a structure to a middle housing type with up to four attached units if the floor area of the structure does not increase more than 50 percent.

B. Entries.

1. Each building shall incorporate a primary building entry or one or more private unit entries, such as a covered porch or recessed entry. Each entry shall feature minimum weather protection of three feet by three feet.
2. Cottage housing and courtyard apartments are exempt from this entry standard. See Section 9, subsection (H) for cottage housing entry standards and Section 9, subsection (I) for courtyard apartments entry standards.

- C. Windows and doors. A minimum of 15 percent of the area of the street-facing façade elevation shall include windows and doors. Facades separated from the street by a dwelling are exempt from this standard.

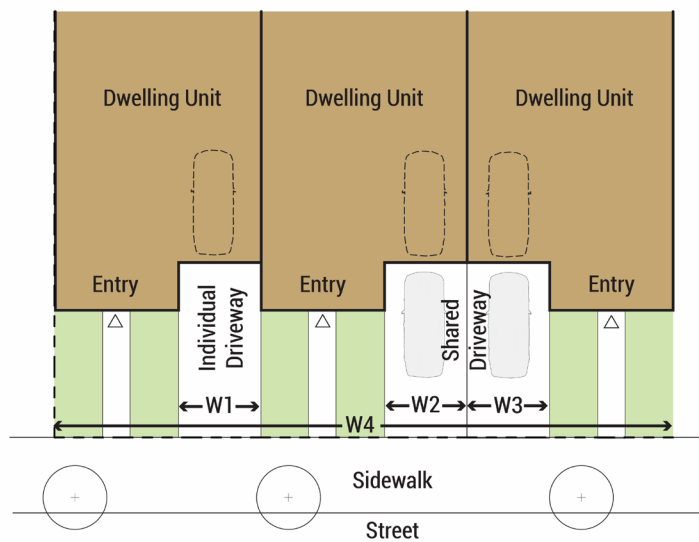


- D. Pedestrian access. A paved pedestrian connection is required between each middle housing building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

E. Access, carports, garages and driveways.

1. For lots abutting an improved alley that meets the city’s standards for width and surfacing, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet the other standards of subsection (E)(2) through (5) below.

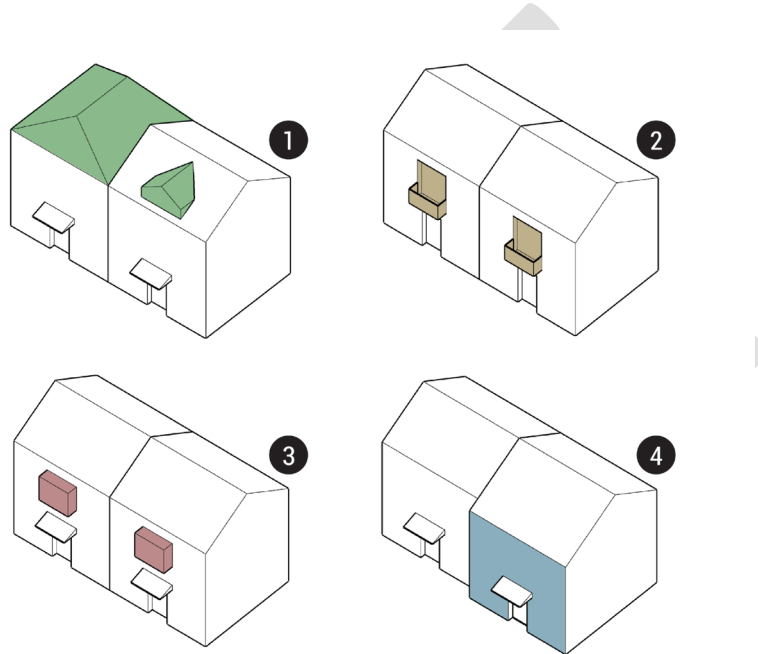
2. Garages and off-street parking areas shall not be located between a building and a public street, except when either of the following conditions are met:
 - a. The garage or off-street parking area is separated from the street property line by a dwelling.
 - b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units.
3. All detached garages and carports shall not protrude beyond the front building façade.
4. The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line. Individual driveway approaches shall not exceed 20 feet in width.
5. Local jurisdiction requirements for driveway separation and access from collector streets and arterial streets shall apply.



$\frac{(W1+W2+W3)}{W4}$ must be no more than 60%
 (W1+W2+W3) must not exceed 32 feet per frontage
 W1 shall not exceed 20 feet

F. Unit articulation. Each attached unit featuring a separate ground level entrance in a multi-unit building facing the street shall include at least one of the following. Facades separated from the street by a dwelling are exempt from this standard.

1. Roofline change or a roof dormer with a minimum of four feet in width.
2. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room.
3. A bay window that extends from the facade a minimum of two feet.
4. An offset of the facade of a minimum of two feet in depth from the neighboring unit.



G. Cottage housing.

1. Cottage size. Cottages shall each have no more than 1,600 square feet of net floor area, excluding attached garages.
2. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be a minimum 20 percent of the lot size with a minimum dimension of 15 feet on any side.
 - c. Common open space shall be bordered by cottages on at least two sides.
 - d. Parking areas and vehicular areas do not qualify as a common open space.
3. Entries. All cottages shall feature a roofed porch at least 70 square feet in size with a minimum dimension of seven feet on any side facing the street and/or common open space.
4. Community building.

- a. A cottage housing development may contain one community building.
- b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
- c. A community building shall have no minimum vehicle parking requirements.

H. Courtyard apartments.

1. Common open space.
 - a. At least one outdoor common open space is required.
 - b. Common open space shall be a minimum dimension of 15 feet on any side.
 - c. Common open space shall be bordered by dwelling units on two or three sides.
 - d. Parking areas and vehicular areas do not qualify as a common open space.
3. Entries. Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or common open space.

I. Trees.

1. The city shall not require through development regulations any tree standards for middle housing that are more restrictive than tree standards required for detached single-family residences, except as provided in this Model Ordinance.
2. Common open space for cottage housing and courtyard apartments shall include at least one new tree per 1,000 square feet of common open space. Required trees shall meet the following standards at the time of planting:
 - a. Deciduous trees shall be fully branched, have a minimum caliper of one and one-half inches (as measured six inches above the root ball), and a minimum height of six feet at the time of planting.
 - b. Evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.
 - c. All required trees shall be in-ground, except when in raised planters. Trees shall be installed to current nursery industry standards. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the tree can support itself. Trees shall be protected by fencing until they are mature enough to withstand typical wildlife activity.

Section 10 – Subdivision

- A. Generally. Regulations for subdivisions, short subdivisions, binding site plans, and planned unit developments shall not be more restrictive for middle housing than for detached single-family residences.
- B. Unit lot subdivisions. A lot may be divided into separately owned unit lots, provided the following standards are met.
1. Approval Process. Unit lot subdivisions follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.
 2. Applicability. Sites to be developed with middle housing, detached accessory dwelling units, and multiple detached single-family residences on a lot in which no dwelling units are stacked on another dwelling unit may be subdivided into individual unit lots as provided herein.
 3. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable unit density and zoning dimensional standards.
 4. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
 5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.
 6. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the county auditor.
 7. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.
 8. Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:
 - a. The title of the plat shall include the phrase "Unit Lot Subdivision."
 - b. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
 9. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.
 10. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.

Section 11 – Infrastructure Standards

A. Transportation. Regulations for driveways, frontage improvements, alley improvements, and other transportation public works and engineering standards shall not be more restrictive for middle housing than for detached single-family residences, except as addressed by this ordinance.

B. Lot Access/Road Standards.

1. Private driveway access shall be permitted for middle housing development with any number of units when any of the following conditions are met:
 - a. A fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings; or
 - b. The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements; or
 - c. No more than two homes are accessed via the same private driveway; or
 - d. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
2. Private driveways shall not be required to be greater than 12 feet in width and have greater unobstructed vertical clearance than 13 feet six inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as site distance requirements.
3. Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the Fire Code or other fire, life, safety standards, such as site distance requirements.
4. This subsection is not intended to limit the applicability of the adopted fire code except as otherwise presented in this subsection.

Section 13 – Severability

If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 14 – Authority to Make Necessary Corrections

The City/Town Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 15 – Effective Date

The ordinance shall take effect and be in full force five days after publication of the attached summary which is hereby approved.

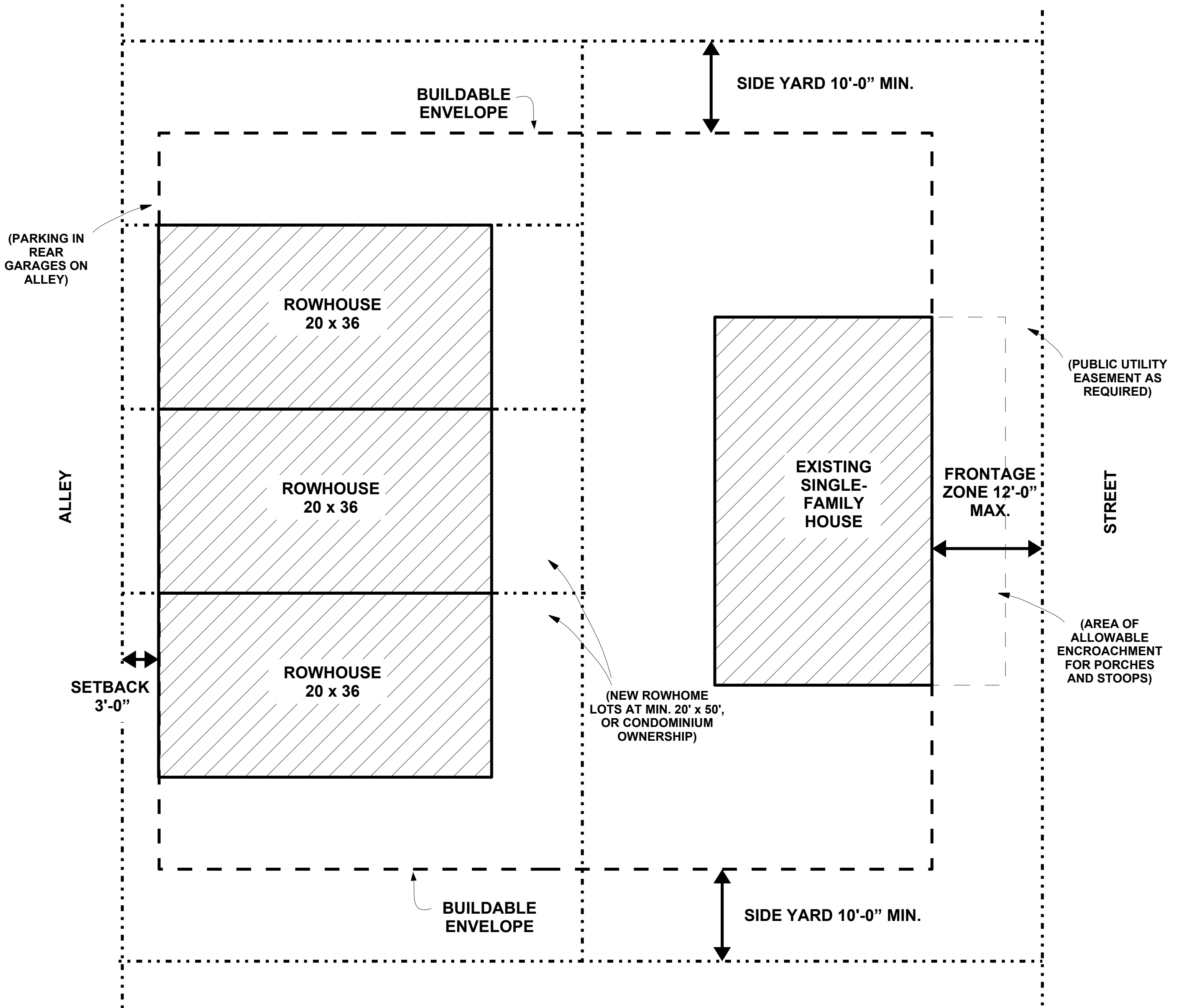
APPROVED

MAYOR

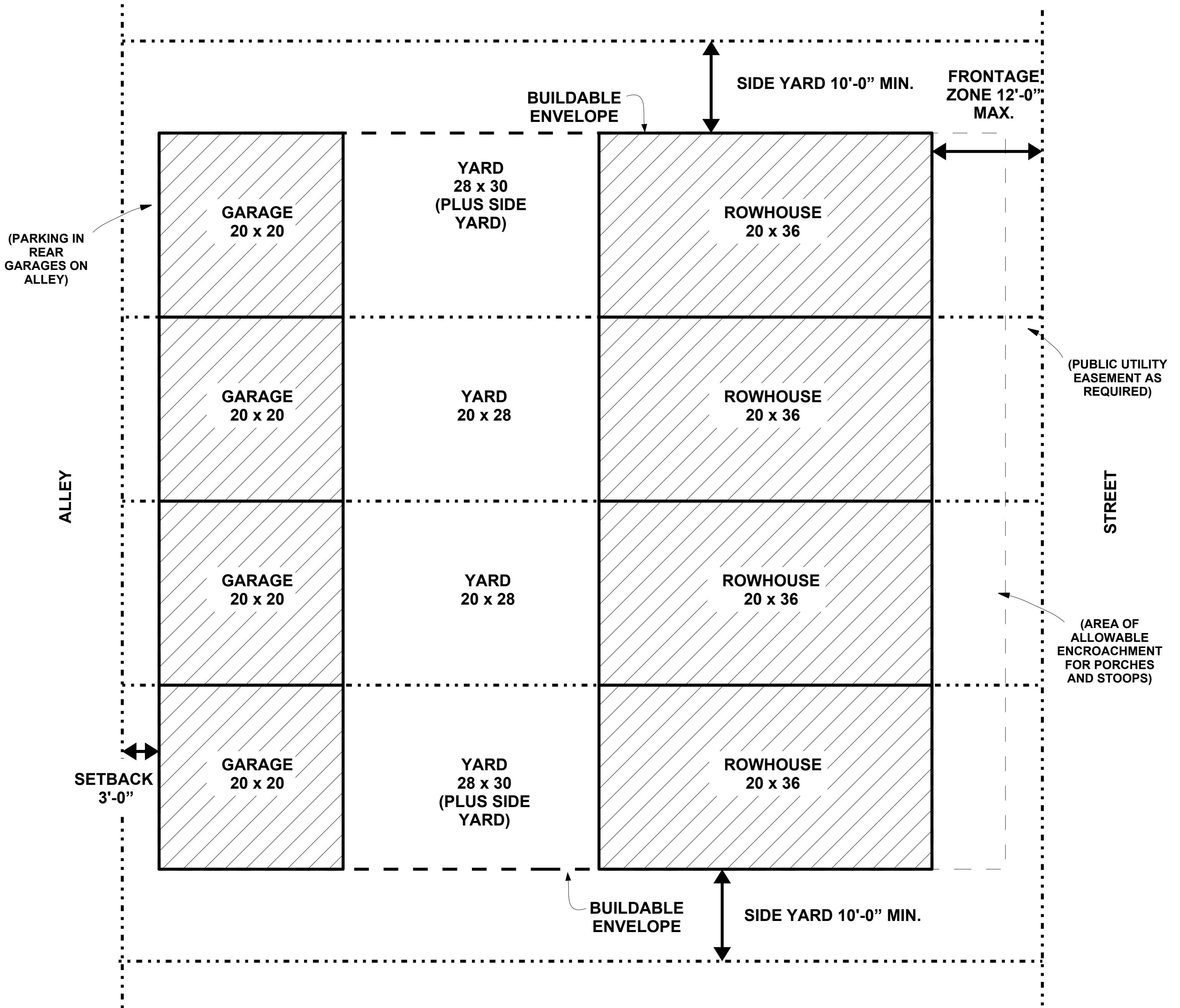
ATTEST/AUTHENTICATED: _____
CITY/TOWN CLERK

APPROVED AS TO FORM: _____
OFFICE OF THE CITY/TOWN ATTORNEY:

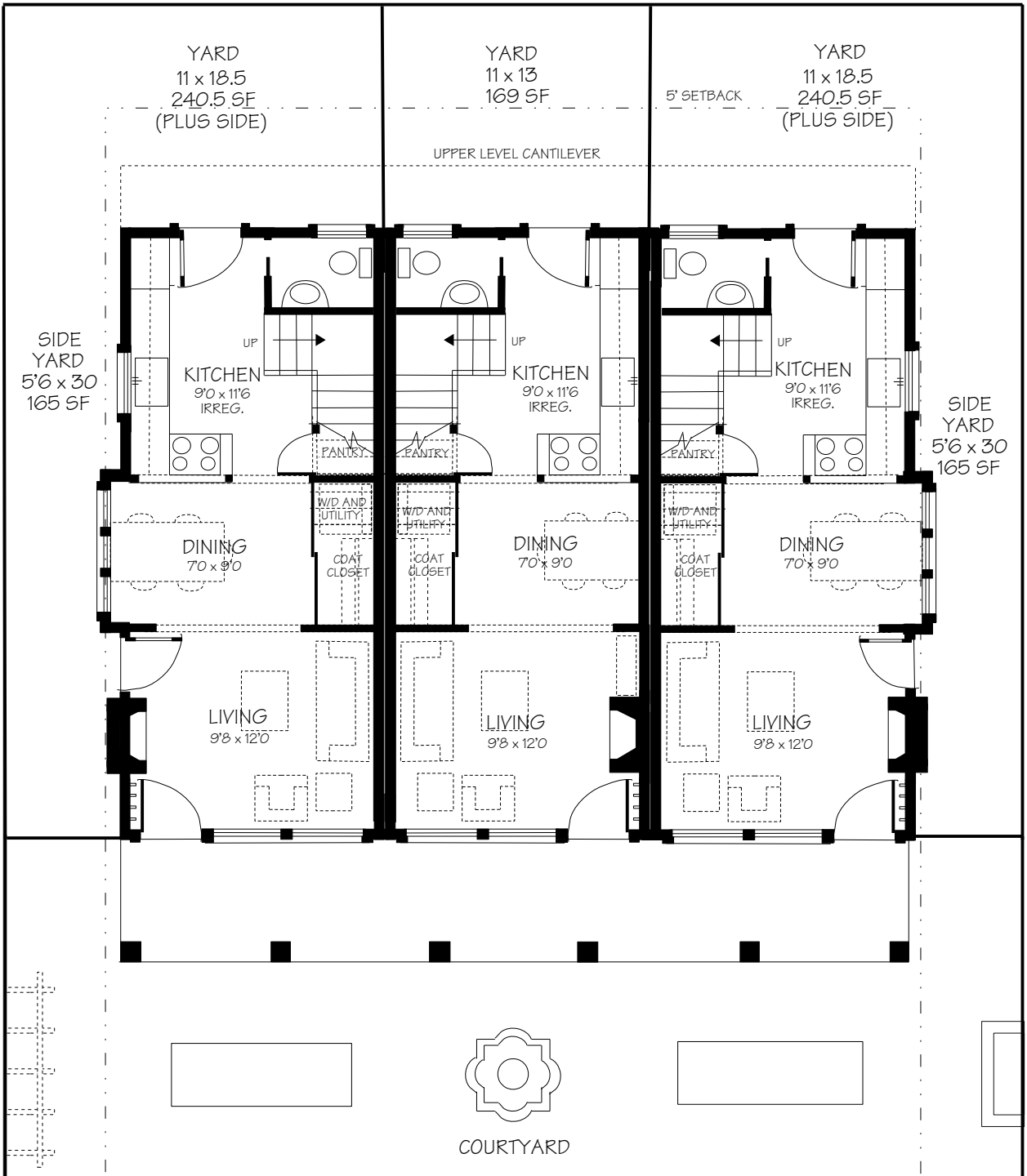
PASSED BY THE CITY/TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:



EXAMPLE: 100' x 100' LOT WITH THREE ADDED ROWHOUSES

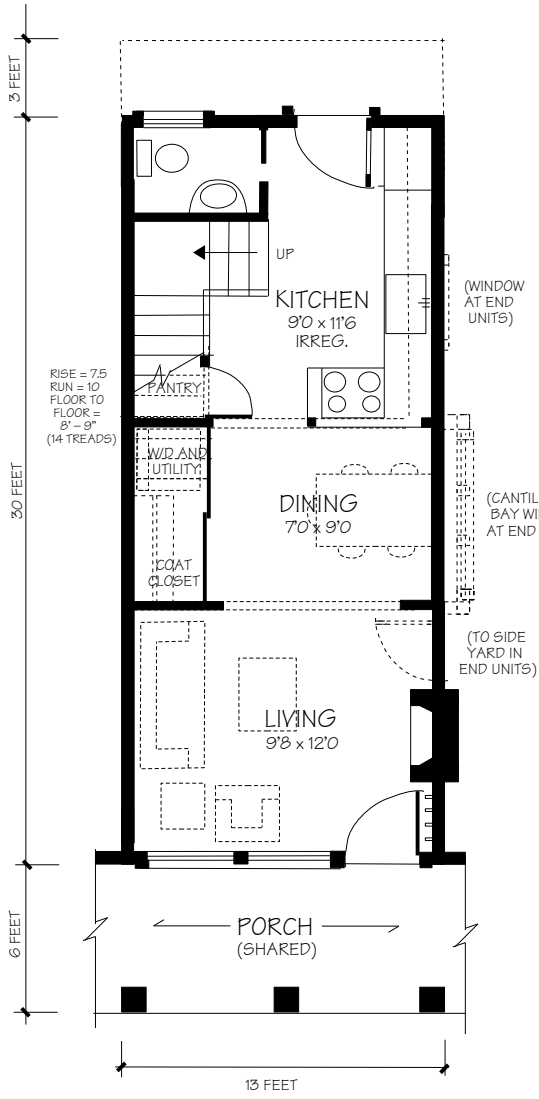


EXAMPLE: 100' x 100' LOT WITH FOUR NEW ROWHOUSES

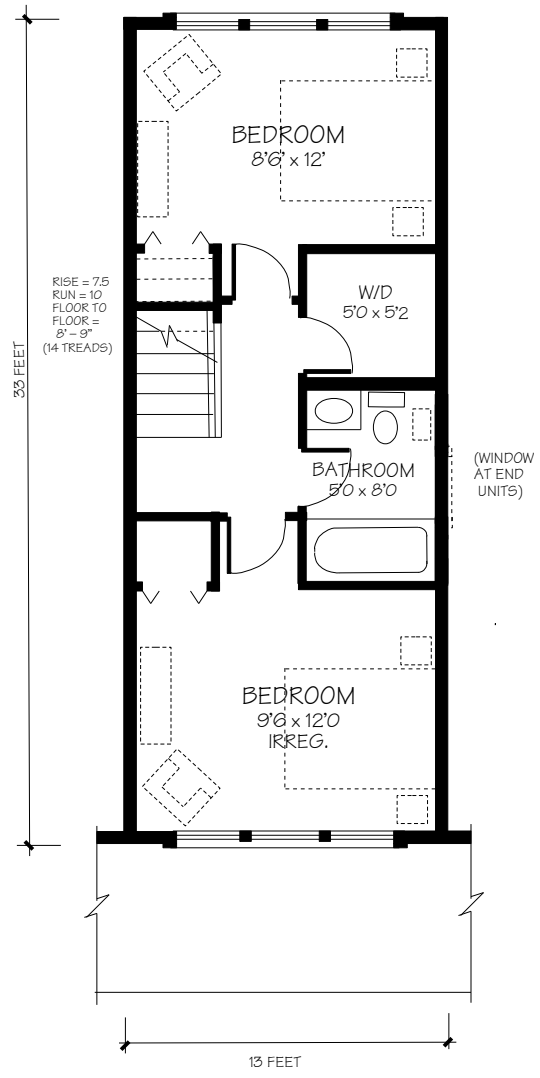


A 5 UNITS ON 50 x 100 LOT
 PROTOTYPE DRAWING

SCALE: 1/8" = 1 FOOT



FIRST FLOOR
390 SF



SECOND FLOOR
429 SF

2

13' x 30' ROWHOUSE (PLUS 3' CANTILEVER)

TOTAL 819 SF

SCALE: 1/8" = 1 FOOT