



# City of Stevenson

## Planning Department

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**TO:** City Council  
**FROM:** Ben Shumaker  
**DATE:** March 13<sup>th</sup>, 2020  
**SUBJECT:** Zoning Code Amendment – Trade Districts Code Update

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### **Introduction**

This memo summarizes a potential amendment to the City of Stevenson Zoning Code. The amendment is proposed by the City's administrative leadership team and seeks to 1) prohibit new Single-Family Detached Dwellings, Manufactured Homes, and Modular Homes in the C1 Commercial District, 2) codify a recent zoning interpretation allowing conditional use approval for Townhomes in the CR Commercial Recreation District, 3) codify a recent zoning interpretation allowing conditional use approval for and Cultural Attractions in the C1 District, 4) allow Townhomes as principal uses in the C1 District, 5) allow certain Murals as permitted uses in the C1, CR, and M1 Light Industrial districts, and 6) place a minimum height standard on new downtown buildings. As it relates to the prohibition of single-family detached dwellings, the timing of this amendment is intended to address the expiration of the current temporary moratorium on these uses in the C1 District.

The Planning Commission has reviewed this amendment on 2 occasions, but has not yet provided a recommendation to the City Council. As a result no action is expected at this meeting.

### **Single-Family Detached Dwellings**

Since December 6<sup>th</sup>, 2018, new single-family detached dwellings have been prohibited in the C1 District by virtue of a moratorium enacted and extended by the City Council. The moratorium is set to expire on May 16<sup>th</sup>, 2020. The moratorium was originally enacted in response to a prospective development. The property on which that development was proposed has since been permitted to construct a tri-plex and construction is underway. The proposed ordinance would replace the temporary moratorium with an outright prohibition.

This continues a previous City discussion during which it was decided to hold action until issues related to the moratorium were more settled. As proposed previously, the amendment:

- 1) Adopts a definition for "Dwelling Unit" which aligns with the definition of the International Building Code.
- 2) Removes "Townhome" and "Detached Single-Family Dwelling" from a nest under Single-Family Dwelling"
- 3) Amends the Use Category for Single-Family Detached Dwelling to nest the categories for "Manufactured Home" and "Modular Home" within that category. Doing so accommodates a state preemption.
- 4) Deletes the Use Category for "Two-Family Dwelling" as redundant.
- 5) Creates a new use category for "Legacy Homes" to distinguish between new and existing homes.
- 6) Amends the Use Tables of SMC 17.15.040 and SMC 17.25.040 to reflect the changes above.

Additionally, the current draft 1) amends the Density Table in SMC 17.25.050 to remove requirements related to single-family dwellings and 2) amends the Dimensional Table in SMC 17.25.060 to allow future modifications to existing single-family detached dwellings or "Legacy Homes". Ongoing Planning Commission discussion of this topic is focusing on owners' ability to change of use/occupancy of existing legacy homes.

## **Zoning Interpretations**

The following interpretations of use tables by the Zoning Administrator have been incorporated in this proposal:

ZON2019-03 – Cultural Attraction Uses in the C1-Commercial District: “In the C1 Commercial District, Cultural Attraction uses shall be interpreted as if it were listed as Conditional (C) in SMC Table 17.25.040-1. Additional interpretations may be considered which would establish the use as Accessory (A) to existing uses.”

ZON2019-04 – Townhome Uses in the CR Commercial Recreation District: “In the CR Commercial District, the Townhome use shall be interpreted as if it were listed as Conditional (C) in SMC Table 17.25.040-1. Additional interpretations may be considered which would establish the use as Accessory (A) to existing uses.”

## **Murals**

Finally, 2019 saw the Planning Commission review and approve 2 conditional use permits for murals proposed by the Stevenson Downtown Association (SDA). The amendment proposal creates a new category of mural and would allow staff to administratively approve murals of that type while reserving the Planning Commission’s authority to review murals not qualifying as the new type. Discussion leading to this proposal was initiated by the SDA after the review of their second mural and the change is supported by Mayor Anderson.

## **Building Height**

A new regulation requiring a minimum building height is also under consideration. This height (drafted as, 16’) would discourage installation of shipping containers in-lieu of new building construction. For visualization purposes, El Rio is ~16’ in height.

## **Planning Commission Guidance**

The Stevenson Planning Commission has not yet made a recommendation to the City Council on this proposal. At their February meeting, the Planning Commission advised staff to take a moderate approach to community involvement. This approach would exceed the bare minimum required for any amendment to the Zoning Code by 1) conducting direct staff outreach to downtown owners potentially impacted by the single-family residential prohibition, and holding an additional public hearing before the Planning Commission prior to making a recommendation.

The Planning Commission also requested additional options for dealing with the mural request, including 1) reducing fees for murals proposed by non-profit agencies and 2) providing public notice of murals and welcoming comments for City staff—instead of Planning Commission—consideration as part of a Mural’s permitting process.

Additional changes to the attached draft are likely in the Planning Commission’s recommendation, if one is made.

## **Next Steps**

Depending on the Planning Commission’s actions, the City Council could expect to review this topic for action at its April meeting.

Prepared by,

Ben Shumaker  
Community Development Director

Attachment

- March Draft Ordinance 2020-1157

**CITY OF STEVENSON  
ORDINANCE 2020-1157**

**AMENDING THE STEVENSON ZONING CODE (SMC TITLE 17); MODIFYING WHERE SINGLE FAMILY DETACHED DWELLINGS AND TOWNHOMES ARE ALLOWED; CLARIFYING USE CATEGORIES WITHIN SMC 17.13.010; AND INCORPORATING ZONING INTERPRETATIONS CONDUCTED UNDER SMC 17.12.020.**

**WHEREAS**, the City of Stevenson **TBD**;

**WHEREAS**, the amendment process related to the changes to single-family development in the downtown area was guided by and conducted with knowledge of the Tactic 4.3-4 of the Stevenson Comprehensive Plan, and the City Council is satisfied this ordinance does not conflict with the suggestive text (e.g., “consider” and “such as”) of that Tactic; and

**WHEREAS**, the following use interpretations conducted under SMC 17.12.020 have been reviewed for inclusion in the periodic amendment included in this ordinance:

- ZON2019-03 related to Cultural Attractions in the C1 Commercial District,
- ZON2019-04 related to Townhomes in the CR Commercial Recreation District; and

**AND WHEREAS**, the Stevenson City Council finds that the best interests of the public health, safety and welfare would be served by the amendments herein,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON, STATE OF WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1** – The following definition shall be added as SMC 17.10.275 – Dwelling Unit:

“Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Section 2** – The definition of Mural at SMC 17.10.738(5), originally adopted through Section 1.D.1.5 of Ordinance 2017-1103 shall be amended by adding the underlined text as follows:

5. a. “Mural” or “Type 1 Mural” means any sign depicting a decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall and contains no commercial message, logo, symbol, or graphic, provided that, when placed on a residential structure, such depiction is not considered a mural or intended to be regulated under this code.

b. “Type 2 Mural” means any Mural as defined above which is 1) located in a Trade District and 2) proposed and maintained by the City of Stevenson, the Stevenson Downtown Association, or a non-profit representing the interests of the Stevenson business community.

**Section 3** – Use 1. of SMC Table 17.13.010-1 Residence or Accommodation Uses, originally adopted through Section 3.B.2 of Ordinance 2017-1103 and amended by Section 2.A of Ordinance 2017-04 and Section 1 of Ordinance 2019-1141, shall be amended by deleting the ~~struck through~~ text and adding the underlined text as follows:

<p>1. Dwelling <del>Unit</del></p>	<p><u>Any building that contains one or more dwelling units [SMC 17.10.275] used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. An independent living unit within a building, designed and intended for occupancy by not more than one family and having its own housekeeping, kitchen, sleeping and bathroom facilities.</u></p>	<p><u>SMC 17.10.275</u></p>
<p>a. Single-Family <u>Detached</u> Dwelling</p>	<p><u>A single detached building containing one dwelling unit. Single-family detached dwellings exclude Mobile Home and include stick-built homes as well as the following types:</u></p> <p><u>1. "Manufactured Home". A single-family detached dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home: (i) includes plumbing, heating, air conditioning, and electrical systems; (ii) is built on a permanent chassis; (iii) can be transported in one or more sections with each section at least 8 feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater, and (iv) when sited, is designed to be permanently connected to required utilities.</u></p> <p><u>2. "Modular Home". A factory assembled structure designed primarily for use as a dwelling when connected to the required utilities. A Modular Home (i) includes plumbing, heating and electrical systems contained therein, (ii) does not contain its own running gear, (iii) must be mounted on a permanent foundation, and (iv) shall conform to the structural design requirements of the local jurisdiction. A modular home does not include a travel trailer, mobile home or manufactured home.</u></p> <p><u>Single-family dwellings are distinguished by the following types:</u></p> <p><u>1. "Single-Family Detached Dwelling" is a single detached building, which term shall include manufactured home and modular home, containing one dwelling unit.</u></p> <p><u>2. "Townhome" is a dwelling unit within a building containing 2 or more attached dwelling units in which the dwelling units 1) share one or more common walls at the lot line, 2) are on separate lots, and 3) have separate entrances. Other common terms for this use include townhouse, brownstone, row house, etc.</u></p>	<p><u>RCW 35A.21.312, RCW 35A.63.146, RCW 43.22A, RCW 59.20.030, WAC 296-150M, SMC 17.40.120</u></p> <p><u>RCW 43.22, RCW 46.04.303, WAC 296-150F</u></p> <p><u>SMC 17.38.085</u></p>
<p>b. <u>Manufactured Home</u></p>	<p><u>A single-family detached dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home: (1) includes plumbing, heating, air conditioning, and electrical systems; (2) is built on a permanent chassis; (3) can be transported in one or more sections with each section at least 8 feet wide and 40 feet long when transported, or when installed on the site is 320 square feet or greater, and (4) when sited, is designed to be permanently connected to required utilities.</u></p>	<p><u>RCW 35A.21.312, RCW 35A.63.146, RCW 43.22A, RCW 59.20.030, WAC 296-150M, SMC 17.40.120</u></p>

e.	<del>Modular Home</del>	<del>A factory assembled structure designed primarily for use as a dwelling when connected to the required utilities. A Modular Home (1) includes plumbing, heating and electrical systems contained therein, (2) does not contain its own running gear, (3) must be mounted on a permanent foundation, and (4) shall conform to the structural design requirements of the local jurisdiction. A modular home does not include a travel trailer, mobile home or manufactured home.</del>	<del>RCW 43.22, RCW 46.04.303, WAC 296-150F</del>
d.	Mobile Home	A factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act. Mobile home does not include recreational vehicles, travel trailers, modular homes, or manufactured homes.	RCW 43.22A, RCW 59.20.030
e.	Travel Trailer	A trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.	
f.	Accessory Dwelling Unit (ADU)	An ancillary (i.e., secondary) dwelling unit located on the same legal lot as a primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex unit, it is clearly subordinate to the primary dwelling in terms of size, use and appearance, and may be located in zoning districts which do not otherwise allow Multi-Family Dwellings.	RCW 35A.63.230, RCW 43.63A.215, SMC 17.40.040
g.	<del>Two-Family Dwelling</del>	<del>A building containing 2 dwelling units in which the dwelling units share a common wall, floor/ceiling or roof (including without limitation the wall of an attached garage or porch) and which have separate entrances.</del>	
h.	Multi-Family Dwelling	A building containing <u>2</u> or more dwelling units in which the dwelling units share a common wall, floor/ceiling or roof (including without limitation the wall of an attached garage or porch) and which have separate entrances. Multi-family dwelling also includes apartments, cluster-type housing, condominiums, <u>duplexes</u> , and multiple dwellings or groups of structures on a single lot.	
i.	Temporary Emergency, Construction or Repair Residence	A residence (which may be a mobile home or travel trailer) that is: (1) located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster; or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. However, no such temporary emergency, construction or repair residence shall be inhabited for more than 6 months, unless authorized by the Planning Commission.	
j.	<u>Townhome</u>	<u>A dwelling unit within a building containing 2 or more attached dwelling units in which the dwelling units (1) share one or more common walls at the lot line, (2) are on separate lots, and (3) have separate entrances. Other common terms for this use include townhouse, brownstone, row house, etc.</u>	
k.	<u>Legacy Home.</u>	<u>A building existing on, and continually occupied as a single-family detached dwelling since January 1<sup>st</sup>, 2020 and located in a district which</u>	

has prohibited development of new single-family detached dwellings. When allowed as a permitted use, a Legacy Home shall not be considered a nonconforming use and may be renovated, rebuilt, and/or expanded without consideration of SMC 17.44 – Nonconforming Uses, provided, however, that SMC 17.44.030 – Effect of Nonconforming Use Abandonment shall apply.

**Section 4** – The use category for “Dwelling Units”, in SMC Table 17.15.040-1 Residential Districts Use Table, originally adopted through Section 5.D.2.1 of Ordinance 2017-1103 and amended by Section 3.A.1 of Ordinance 2017-04, shall be amended by deleting the ~~struck-through~~ text, adding the underlined text, and moving text which is doubly struck-through/underlined, as follows. All other use categories, classifications and table notes shall remain in effect without amendment:

**Table 17.15.040-1 Residential Districts Use Table**

Use	R1	R2	R3	MHR	SR
<b>Residence or Accommodation Uses</b>					
<del>Dwelling Unit</del>					
Single-Family Detached Dwelling	P	P	P	P	P
<del>Townhome (SMC 17.38.085)</del>	=	=	<u>P</u>	=	=
- <del>Manufactured Home</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
- <del>Modular Home</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Mobile Home	X	X	X	P	X
Travel Trailer	-	-	-	-	X
Accessory Dwelling Unit (SMC 17.40.040)	A	-	-	-	A
- <del>Two-Family Dwelling</del>	<u>C<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>C<sup>1</sup></u>	<u>C<sup>1</sup></u>
Multi-Family Dwelling	C <sup>1</sup>	<u>P/C<sup>1</sup></u>	P	C <sup>1</sup>	C <sup>1</sup>
Temporary Emergency, Construction or Repair Residence	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	-	C <sup>2</sup>
<u>Townhome (SMC 17.38.085)</u>	<u>=</u>	<u>=C<sup>8</sup></u>	<u>P</u>	<u>=</u>	<u>=</u>

1-Conditional Use Permits for Multi-Family Dwellings which exceed the maximum number of dwelling units allowed in SMC Table 17.15.050-1 ~~these uses~~ are only considered when submitted as part of an R-PUD proposal under SMC 17.17-Residential Planned Unit Developments.

8-Townhomes in the R2 District are subject to review according to the density and parking requirements of the R3 Multi-Family Residential District and shall connect to the municipal sewer system.

**Section 5** – The use categories for “Dwelling Units”, “Professional Office” and Cultural Attraction” in SMC Table 17.25.040-1 Trade Districts Use Table, originally adopted through Section 9.D.2.1 of Ordinance 2017-1103 and amended by Section 5 of Ordinance 219-1141, shall be amended by deleting the ~~struck-through~~ text and adding the underlined text as follows. All other use categories, classifications and table notes shall remain in effect without amendment:

**Table 17.25.040-1 Trade Districts Use Table**

Use	CR	C1	M1
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<b>Residence or Accommodation Uses</b>			
Dwelling <del>Units</del>			
Single-Family Detached Dwelling	<del>-X</del>	<del>PX</del>	<del>-X</del>
- <del>Manufactured Home</del>	-	<del>P</del>	-
- <del>Modular Home</del>	-	<del>P</del>	-
Multi-Family Dwelling	C <sup>1</sup>	P	-
Temporary Emergency, Construction or Repair Residence	-	C <sup>2</sup>	-
<u>Townhome</u>	<u>C<sup>14</sup></u>	<u>P<sup>14</sup></u>	
<u>Legacy Home</u>	-	<u>P</u>	-
<b>General Sales or Service Uses</b>			
Professional Office	-	<del>P</del>	A/C <sup>13</sup>
<b>Arts, Entertainment, and Recreation Uses</b>			
Cultural Attraction	P	<del>C</del>	-

14-Townhomes in the CR and C1 District must comply with SMC 17.38.085.

**Section 6** – The standards in SMC Table 17.25.050-1 Trade Density Standards, originally adopted through Section 7.E.1.1 of Ordinance 2017-1103, shall be amended by deleting the ~~struck through~~ text as follows.

**Table 17.25.050-1: Trade Density Standards**

District	Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage
CR	All	10,000 sf	-	-	35%
C1	<del>General</del> <u>All</u>	0 sf <sup>1</sup>	0 ft	0 ft	100% <sup>2</sup>
-	<del>Single-Family Dwelling</del>	<del>6,000 sf</del>	<del>60 ft</del>	<del>100 ft</del>	<del>50%</del>
M1	All	0 sf	-	-	60%

1- Except for multi-family dwellings which require 1,200 sf per unit.

2- Except for residential uses on the first floor above grade, which are limited to 50% of lot area.

**Section 7** – The standards in SMC Table 17.25.060-1 Trade Dimensional Standards, originally adopted through Section 7.F.1.3 of Ordinance 2017-1103, shall be amended by deleting the ~~struck through~~ and adding the underlined text as follows.

**Table 17.25.060-1: Trade Dimensional Standards**

District	<u>Minimum Height of Building</u>	Maximum Height of Building	Minimum Setbacks				Maximum Setbacks		
			Front	Side, Interior	Side, Street	Rear, Interior Lot	Rear, Through Lot	Front	Side, Street

CR	<u>n/a</u>	35 ft <sup>1</sup>	25 ft	0 ft <sup>2,3</sup>	20 ft	0 ft <sup>2,3</sup>	20 ft	-	-
C1	<u>16 ft</u>	50 ft <sup>4</sup>	0 ft <sup>5</sup>	0 ft <sup>2,6</sup>	-	0 ft <sup>2</sup>	-	10 ft <sup>7,8</sup>	10 ft <sup>9</sup>
M1	<u>n/a</u>	35 ft	15 ft	5 ft	-	0 ft <sup>2</sup>	-	-	-

1 - A greater height may be allowed by the Planning Commission; provided it does not interfere with the views of a substantial number of upland properties which are presently residential or have a potential for residential development and there is an overriding public interest in allowing a greater height. For each 10 ft increase in height that is allowed, there shall be an additional setback or stepback of 15 ft from any property line.

2 - Except in Zone Transition Areas where the minimum setback shall be the same as any adjoining more restrictive district.

3 - Except for multiple residential dwelling ~~units~~ adjoining a nonresidential use where the minimum setback shall be 20 ft.

4 - 35 ft for multi-family dwellings and legacy homes ~~single family and multi-family dwellings~~.

5 - 15 ft for legacy homes ~~single family dwellings~~.

6 - 5 ft for legacy homes ~~single family dwellings~~.

7 - 20 ft for legacy homes ~~single family dwellings~~.

8 - Automobile service stations are exempt from the maximum front yard requirement.

9 - Legacy Homes Single Family residential construction may have a greater setback.

**Section 8** – The section of SMC Table 17.25.145-1 Allowed Signage related to “Sign Type”, originally adopted through Section 7.K.1.1 of Ordinance 2017-1103, shall be amended by adding the underlined text as follows. All other portions of SMC Table 17.25.145-1 shall remain in effect without amendment:

**Table 17.25.145-1: Allowed Signage**

	CR	C1	M1
<b>Sign Type</b>			
Community Information Sign	P	P	P
Dilapidated Sign	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Mural, <u>Type 1</u>	C	C	C
<u>Mural, Type 2</u>	<u>P</u>	<u>P</u>	<u>P</u>
Off-Premises Sign	X	X	X
Sign Placed by a Governmental Agency	P	P	P
Sign of Outstanding Design	C	C	X

2 - An existing sign, together with its sign structure, which becomes dilapidated shall be removed after notice to the property owner, unless upon appeal under SMC 17.46, the property owner establishes facts sufficient to rebut the presumption of dilapidation.

**Section 9** – If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in



whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Passed by a vote of \_\_\_\_\_ at the special City Council meeting of March 19<sup>th</sup>, 2020.

SIGNED:

ATTEST:

\_\_\_\_\_  
Scott Anderson  
Mayor of Stevenson

\_\_\_\_\_  
Leana Kinley  
Clerk/Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth B. Woodrich  
City Attorney