



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: City Council
FROM: Ben Shumaker
DATE: May 16th, 2018
SUBJECT: Zoning Code Amendments – Use Table Clean-Up, Codifying Interpretations, & ADUs

Introduction

This memo provides the City Council with 1) a description of the 3 types of Zoning Code Amendments being recommended by the Planning Commission through the attached ordinance and 2) an incomplete summary of the public involvement measures taken by the Planning Department leading up to the recommendation. This memo should be treated as a companion memo to the letter prepared by the Planning Commission highlighting specific aspects of their discussion and recommendations for Accessory Dwelling Units (ADUs).

Potential Action

If the City Council is satisfied with the Planning Commission’s recommended amendment it can adopt the changes at the meeting tonight.

Amendment Categories

Use Table Clean-Up

The City’s Zoning Code has been a living document and amended several times since the original framework was adopted in 1994. These several layers of amendments by different authors and based on different needs result in a regulatory system that can be confusing and unwieldy.

As an initial step to rationalize the regulatory system, the City’s Zoning Code amendment in 2017 reformatted the use categories, descriptions and tables of the Zoning Code. The reformat laid bare inconsistencies within the existing system and intentionally content changes to correct those inconsistencies.

Uses related to Food Services supply an effective example. The Zoning Code currently identifies the following 6 types of Food Services Uses:

Current

1. Food Services
 - b. Food and Drink Service Facility,
 - c. Food or Beverage Operation
 - d. Food or Beverage Operation with Drive-Through Service
 - e. Lounge
 - f. Restaurant
 - g. Snack Bar

Proposed

1. Food Service
 - c. Drive-Through Food Service
 - g. Mobile-Food Cart
 - h. Tasting Room

There is nothing in the current Code to distinguish between a “Food and Drink Service Facility” use and a “Food or Beverage Operation” use and there is no indication of why the 2 uses might be regulated differently. The proposal before you eliminates these and other redundancies and provides more clarity on the use categories that remain, 2 of which are based on past Planning Commission interpretations.

Codifying Planning Commission Interpretations

Through SMC 17.12.020, the City Council has provided a method for unlisted uses to be considered and allowed in particular zoning districts without the delays associated with a full Zoning Code amendment. This section includes instructions to catalogue the uses to facilitate amendments such as those proposed here.

As an example, in 2013, the Planning Commission was asked whether a "Storage Unit Facility" was included within the C1 Commercial District's then-existing use category of "Retail sales, personal and other services, and rental operations". In their decision, the Planning Commission said that Storage Unit Facilities were both 1) not included in that category and 2) not of the same general character as the other uses allowed in the C1 District. The amendment recommended for you separates "Self-Storage Unit" uses out as a distinct use category and codifies the Planning Commission interpretation that such uses should be prohibited in the C1 District.

Accessory Dwelling Units (ADUs)

At the request of the Mayor, the Planning Commission was asked to review whether the City should be allowing Detached ADUs in addition to the Attached ADUs which are currently allowed. After their review, the Planning Commission has recommended that Detached ADUs should be allowed, and recommended several changes to SMC 17.40.040 to clarify how and under what circumstances they should be allowed. Their solutions involve an amnesty clause (similar to one adopted by Skamania County in 2017) whereby unpermitted existing ADUs could be recognized as a valid use.

Public Involvement

As the initial step in the review of these recommended amendments, the Planning Commission established their expectations for public involvement. In addition to the mandatory requirements (such as tonight's public hearing), the Planning Commission sought a more robust effort related to the ADU discussion. This effort was to include 1) a press release in the *Pioneer* introducing the project and 2) a community questionnaire to gain a more complete perspective from interested shareholders. As part of the community questionnaire, respondents were asked to provide their email if they wished to remain informed on this process.

Press Release

On January 23rd, 2019 a joint press release by the Stevenson and Skamania County Community Development departments was published in the *Skamania County Pioneer*. This publication included a graphic to describe the different configurations of ADUs, a link to the community questionnaire, information about the City's amendment process, and a notice to County property owners about the upcoming deadline for their amnesty clause.

Community Questionnaire

Protocols – The ADU questionnaire was created using www.surveymonkey.com and mimicked by a paper-based questionnaire at the front counter of City Hall. A link to the questionnaire was placed in the *Skamania County Pioneer* as part of a 1/23/19 press release by the City and County planning departments regarding the ADU topic. On 1/31/19 and 2/7/19, the link was included in an email from the Skamania County Chamber of Commerce to the members of their Columbia Currents and Under Currents newsletters. Responses were not accepted after 2/11/19 (which became an issue after both the *Pioneer* and the Chamber of Commerce continued to run notices after the time initially requested).

Questions – Five (5) questions were asked on the questionnaire. Respondents' own relationship with ADUs was explored through the first question. Their feelings about ADUs near them was the topic of the second question. The third question was open-ended and allowed respondents to share any specific concerns about ADUs. The fourth question asked where the respondent lives and the fifth provided a mechanism for respondents to further engage with the City as this topic is addressed.

Response Rate – The City received 23 responses from the web-based questionnaire, 10 of which were received when after the press release to the *Pioneer* was published, but before any other public notifications occurred. An additional 9 paper-based questionnaires were completed for a total of 32 respondents.

Question 1 – Half of the respondents either did not respond to this question or said it did not apply to them. Of those that responded, the vast majority stated they would consider adding, or would rent ADUs:

Question 1: Please select the options that best describe you:		
Answer	Attached ADUs	Detached ADUs
I would consider adding	44%	56%
My property currently has	3%	9%
I would rent from others	6%	13%
I currently rent from others	0%	0%
n/a or blank	50%	28%

Question 2 – All respondents answered this question, less than one quarter of respondents are opposed to ADUs.

Question 2: Please tell us how you feel about ADUs in your neighborhood:		
Answer	Attached ADUs	Detached ADUs
I support the ability for others to establish these in my neighborhood	69%	66%
I neither support or oppose these in my neighborhood	16%	13%
I am opposed to allowing others to establish these in my neighborhood	16%	22%
blank	0%	0%

Question 3 – Nearly half (15) of respondents chose to answer the open-ended question. The specific responses are shown and summarized in the table below. Responses are shown in reverse chronological order from when they were received.

Question 3: If you are opposed to ADUs or have any concerns about how they would be used, please tell us why.		
Topic	# Responses	Code Response
Neighborhood Character	5	Combination of 10 existing and 1 draft restrictions
Vacation Rental	4	Drafted in orange
Parking	2	Previously addressed
Septic/Sewerage	2	Not addressed
Traffic	1	Not addressed
Other	4	Not addressed
Show of Support	3	Proposed allowance
Answer		
I am concerned that these dwellings would be used as secondary rental properties. We built our home in Stevenson because of the spacious neighborhood areas.		
Compromise neighborhood integrity		
Opposed because they'll be available to be used as Airbnbs for extra revenue		
Noise, barking dogs, garbage, disrepair and maintenance.		
I am not opposed in any way.		
My main concerns are parking issues where there isn't street parking, and having a limit on number of people renting at a time. I'm fine with a room/kitchen for rent for a couple or small family but I wouldn't like a large wedding party or wine tasting weekend for big group, etc. simply for capacity reasons for some of the smaller lots and those of us who are closer to our neighbors.		
With the increase in Population Carson really needs a public Sewer System...we Must also consider the need for Schools, Expansion of all necessary Services, etc		
Deeds for lots in this area specify minimum size of about 1/3 acre, and assume single family use. ADUs would amount to subdivision in violation of deeds and a change of fundamental character.		
I don't agree with ADUs as a solution to housing. It puts single family neighborhoods at risk of becoming high traffic short-term rental areas. We already have issues with neighbors who have a high occupancy Air BnBs and it's greatly increased traffic in our		

quiet neighborhood, plus, there is an influx of transients because of the short-term rentals. It's very disruptive to our quiet area. We had to put up a gate to stop the constant traffic into our driveway. This policy opens the door to short-term rentals that don't belong in neighborhoods. Trying to solve one problem would create another problem, plus, who would enforce.
I feel some would use this to add additional dwelling for monetary reasons.
The air bNBs are already a problem in the county. This would make it worse. Also, it should NEVER be allowed on home sites with septic systems.
Should be subject to same rules and regs as houses and other rentals
ADUs are a very good idea.
I don't see a problem with it.
Some recommendations regarding parking may be a good thing to figure out if there is a higher density of these properties.

Question 4 – The home respondents where respondents identified is included below.

Question 4: In which jurisdiction do you live?			
Skamania County	Stevenson	North Bonneville	Other
53%	41%	3%	3%

Question 5 – Thirteen (13) individual respondents provided their email address and asked to be notified as part of the City's ongoing discussion of ADUs.

Mailing List/Planning Commission Workshops

The 13 community members providing their email address were added to a mailing list to receive notices in advance of the Planning Commission workshops. These workshops occurred in February, March, April, and May of this year. The mailing list was also notified of this Public Hearing. Attendance at Planning Commission meetings and written comments based on the mailing list were limited.

Other Issues

During the Planning Commission's review and recommendation, they also considered changes to the use categories, descriptions and allowances for single-family dwelling units, especially as those categories related to the C1 Commercial District. Based on the current moratorium and controversies, the Planning Commission chose not to recommend any of the changes they considered.

Prepared by,

Ben Shumaker
Community Development Director

Attachments

- Planning Commission Letter
- Recommended Draft Ordinance 2019-1141



City of Stevenson

Planning Commission

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: City Council
FROM: Planning Commission
DATE: May 13th, 2019
SUBJECT: Recommended Ordinance Changes

Dear Mayor Anderson and City Council Members,

Thank you for the opportunity to guide the process for the draft change to the Zoning Code. With this letter, we want to provide additional rationale on some issues we feel strongly about.

- 1) **UTILITY EQUITY.** In changing the description of Accessory Dwelling Unit, we are removing something we believe is completely illogical. The previous description forced the utility systems to treat ADUs the same as a single-family dwelling. We are happy to remove the decision making authority from Zoning Code on that issue, and we want to make sure the Council takes the conversation even further; *we believe ADUs must also be subject to Systems Development Charges for our municipal water and sewer systems.* An ADU is still a dwelling unit, and it would be short-sighted to ignore their impact on our sewer systems. It would also be unfair for the users of those systems to bear the cost of ADUs impact. They must bear their equitable share. The exact amount and procedures to collect these charges are up to the City Council, but it must be considered.
- 2) **"McADUs".** In recommending to allow Detached ADUs, we include provisions we believe will preserve neighborhood character. This includes a different maximum size for Detached ADUs, one that is not tied to the size of the primary dwelling unit. We have aligned our recommended size (800 square feet) with the maximum size Skamania County adopted in their 2017 amendment.
- 3) **ASSUMPTION OF TRUST.** When the City developed its licensing registry for Vacation Rental Homes, the program was built on public involvement and the principle to "begin with an assumption of trust" regarding the impact of Vacation Rental Homes on the housing market. At this time, we see no reason to disregard that principle. In the community questionnaire conducted for this amendment, only 12.5% of respondents expressed concerns about ADUs being used as Vacation Rental Homes. We believe some of that concern is rooted in current discussions happening within unincorporated Skamania County, which does not yet have a registry program.

Until our program generates enough information to cause us to rethink the allowance for Vacation Rental Homes in all types of dwelling units, we believe it fair to allow them in this particular type of dwelling unit.

We hope this letter assists the City Council's review of our recommendation. If there are any major changes to the ordinance we recommend, then we would appreciate an opportunity to have additional discussions on this matter.

Respectfully,

Karen Ashley, Vice-Chair
Stevenson Planning Commission

**CITY OF STEVENSON
ORDINANCE 2019-1141**

AMENDING THE STEVENSON ZONING CODE (SMC TITLE 17); ALLOWING DETACHED ACCESSORY DWELLING UNITS; CLARIFYING THE USE CATEGORIES WITHIN SMC 17.13.020 AND SMC 17.13.050; AND REPEALING PORTIONS OF ORDINANCES 1073, 2017-1103 AND 2017-1104.

WHEREAS, in 1998 the City of Stevenson adopted Ordinance 950 which amended the City of Stevenson Zoning Code and began allowing Accessory Dwelling Units (ADUs) within the SR Suburban Residential and R1 Single-Family Residential zoning districts subject to several restrictions, including a requirement that ADUs must be attached to the primary dwelling unit; and

WHEREAS, in 2009 and 2013 the City of Stevenson adopted Ordinance 1030 and Ordinance 2013-1073, respectively, which relaxed the standards and permitting process requirements for development of ADUs; and

WHEREAS, the City of Stevenson desires to further relax the development standards for ADUs, especially the requirement involving ADU attachment to the primary unit; and

WHEREAS, in 2017 the City of Stevenson adopted Ordinance 2017-1103 which reformatted the Zoning Code to provide a rational system of use classifications, use descriptions, and use allowance tables; and

WHEREAS, the development of Ordinance 2017-1103 identified several irregularities (redundancies, inconsistencies, and conflicts) as they related to the content of the previous categorization of uses; and

WHEREAS, while the content-based irregularities of Ordinance 2017-1103 partially undermined the rational system the previous ordinance sought to achieve, the adoption of the system was prioritized for action and the existing content-based irregularities were set aside to be addressed at a later date; and

WHEREAS, specific content-based irregularities identified within the use classifications for General Sales or Service Uses (SMC 17.13.020), and Arts, entertainment and Recreation Uses (SMC 17.13.050) are addressed through the amendments in this ordinance; and

WHEREAS, the Planning Commission has reviewed several use interpretations under SMC 17.12.020, which have not been yet been included in the periodic amendments to the Zoning Code; and

WHEREAS, the following use interpretations have been reviewed for inclusion in the periodic amendment included in this ordinance:

- ZON2009-02 related to Light Industrial uses in the C1-Commercial District,
- ZON2011-03 related to Concession Activity uses in the PR Public Use & Recreation District,
- ZON2013-03 related to Carwash and Storage Unit Facility uses in the C1 District,
- ZON2013-04 related to Craft Distillery Tasting Room uses in the M1-Light Industrial District,
- ZON2015-03 related to Winery, Cidery, and Brewery Tasting Room uses in the M1 District,
- ZON2016-05 related to Mobile Food Cart uses in the M1 District,
- ZON2016-06 related to Wedding/Reception Venue uses in the SR-Suburban Residential District; and

WHEREAS, the provisions herein are intended to implement Goals 1, 2, 3, 5, 6, and 9 of the Stevenson Comprehensive Plan as well as the following specific objectives and tactics of the plan: 1.5, 1.6-1, 2.13, 2.13-1, 2.14, 2.15, 3.1, 3.2, 3.2-1, 3.6, 3.8, 6.3, 6.3-3, 6.5, 9.7 and 9.10; and

WHEREAS, the City has determined these regulations to be Categorically Exempt (WAC 197-11-800(19)(b)) from the threshold determination requirements of the State Environmental Policy Act; and

WHEREAS, the Planning Commission has reviewed and recommended that the City Council approve these amendments;

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

f. Accessory Dwelling Unit (ADU)	An ancillary (i.e., secondary) dwelling unit <u>located on the same legal lot as a primary dwelling unit,</u> having its own living, kitchen, sleeping and bathroom facilities, within or attached to the 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 has common utility connections and the same address as the primary unit <u>may be located in zoning districts which do not otherwise allow Multi-Family Dwellings.</u>	RCW 35A.63.230, RCW 43.63A.215, SMC 17.40.040
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Section 2 – Stevenson Municipal Code Table 17.13.020-1 General Sales or Service Uses, originally adopted through Section 3.C.2 of Ordinance 2017-1103, shall be amended by deleting the ~~struck-through~~ text and adding the underlined text as follows:

Use	Description	Reference
1. Automobile Service Station	A retail-commercial establishment for the sale on the premises of motor vehicle fuel, including electrical energy, and other petroleum products and automobile accessories, and for the servicing, lubrication and minor repair of automotive vehicles. <u>Unless specifically listed in the district, Automobile Service Stations include Battery Exchange Stations, Vehicle Repair, Carwashes</u> and Public Access, Rapid Charging EV Stations.	RCW 35A.63.107
a. Battery Exchange Station	A staffed or fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a process which meets or exceeds any standards, codes, and requirements set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.	RCW 19.27.540, RCW 19.28
<u>b. Carwash</u>		
2. c. Vehicle Repair		
3. Electric Vehicle (EV) Station	A public or private parking space (1)served by equipment designed specifically to transfer electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, (2) meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW, and (3) is consistent with rules adopted under RCW 19.27.540. Electric vehicle stations are distinguished by the following types of access and charging levels:	RCW 19.27.540, RCW 19.28, RCW 35A.63.107
a. EV Station Access	<ol style="list-style-type: none"> 1. "Public Access EV Station" is available for use by the general public and not located on a public right-of-way. Examples include stations at a park & ride lot, a public library lot or a shopping center lot. 2. "Restricted Access EV Station" is restricted to authorized users and not located on a public right-of-way. Examples include stations at a single-family home, designated employee parking areas, or fleet parking areas not accessible to the general public. 3. "Street-Side Access EV Station" is available for use by the general public and located on a public right-of-way subject to the rules adopted under SMC 12.02 - Use of City Rights-of-Way. 	RCW 12.02

- b. EV Station Charging Level Charging level categorizes the indicators of electrical force, or voltage, at which an electric vehicle's battery is charged:
 1. "Gradual Charging EV Station" operates on a circuit no greater than 240 volts of alternating current. This includes what the industry currently refers to as levels 1 and 2 charging stations.
 - 2. "Rapid Charging EV Station" operates on an industrial grade outlet greater than 240 volts of alternating current. This includes what the industry currently refers to as Level 3 charging stations.

- 4. Retail ~~Sales~~ Commercial establishments providing merchandise for sale directly to the consumer. Retail establishments may also provide after-sales services, such as repair and installation. Unless specifically listed in the district, Retail Sales include all subcategories listed herein.

- 6. a. ~~Outdoor Recreational Store equipment sales and repair for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking~~ A Retail use specializing in sporting goods or equipment related to outdoor recreational endeavors (e.g., water sports, bicycling, skiing, fishing, photography, camping and hiking).

- 7. b. Specialty Food Shop A Retail use carrying specialty food items (e.g., coffee, tea, confectionery products, nuts, spices, gourmet foods, etc.).

- 5. c. ~~Specialty Retail Shops when associated with a principal use permitted outright in the district~~ A Retail use specializing in one type or line of merchandise (e.g., antiques, apparel, books, games, jewelry, shoes, stationary, etc.).

- 8. d. Retail and wholesale sales of agricultural and animal products raised or produced on the premises.

- 9. Bank or Financial Institution

- 10. Rental Operations Commercial establishments providing tangible goods (e.g., personal items, consumer electronics, furniture, clothing, tools, machinery, equipment, etc.) or other items of value to customers in exchange for a periodic rental or lease payment. Unless specifically listed in the district, Rental Operation includes all subcategories listed herein.

- 11. a. ~~Recreational Equipment Rental for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking~~ A Rental Operation leasing equipment for recreational activities (e.g., water sports, bicycling, skiing, fishing, photography, camping and hiking).

- b. Self-Storage Units A Rental Operation leasing space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients store and retrieve personal property.

- c. Truck, trailer or equipment rental A Rental Operation leasing large vehicles and equipment (e.g., trucks, moving vans, buses, semi-trailers, utility trailers, travel trailers, recreational vehicles, off-road vehicles, etc.) when drivers or operators are not provided.

- 14. Professional Office Commercial establishments performing professional, scientific, clerical, and technical services for others. Unless specifically listed in the district, Professional Office includes all subcategories listed herein.

- 13. a. Veterinarian
- 15. Office, Clerical or Research Activity
- 16. Offices that are an integral part of the on-premises principal use

<p>17. Food Services</p> <p>a. Food and Drink Service Facility</p> <p>b. Food or Beverage Operation</p> <p>c. Food or Beverage Operation with Drive-Through Food Service</p> <p>d. Lounge</p> <p>e. Restaurant</p> <p>f. Snack Bar</p> <p>g. <u>Mobile-Food Cart</u></p> <p>h. <u>Tasting Room</u></p>	<p><u>Commercial establishments preparing and serving food and/or beverages for consumption on or off the premises. Unless specifically listed in the district, Food Service includes all subcategories listed herein.</u></p> <p><u>A Food Service use that is conducted from a motorized vehicle, a non-motorized cart or a unit that is similarly designed to be readily movable.</u></p> <p><u>A Food Service use conducted as an incidental use to an on-premises brewery, cidery, distillery, winery or food processing use. A Tasting Room providing food service products from the on-premises processing use may also serve food and beverages processed at off-premises establishments.</u></p>	
<p>18. Child Day Care Facility</p> <p>a. Family Day Care Home</p> <p>b. Mini-Day Care Center</p> <p>c. Child Day Care Center</p>	<p>A building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than 24 hours. Child Day Care Facility includes family day care home, mini-day care center, and child day care center.</p> <p>A day care home for the care of 6 or fewer children during part of the 24-hour day, located in the dwelling of the provider under whose direct care the children are placed.</p> <p>A child day care facility providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family dwelling of the person or persons under whose direct care the children are placed, or for the care of 7 through 12 children in the family dwelling of such person or persons.</p> <p>A day care facility that provides for the care of 13 or more children. If located in a private family residence, the portion where the children have access must be separate from the family living quarters, or that portion of where the children have access must be used exclusively for their care during the hours that the child day care center is operating.</p>	<p>RCW 35.63.170, RCW 35A.63.210, RCW 35A.63.215</p>
<p>19. Personal and Other Services</p> <p>12. a. Recreational Services, including lessons and tours for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking</p>	<p><u>Commercial establishments providing individual services generally related to personal needs. Unless specifically listed in the district, Personal Services includes all subcategories listed herein.</u></p> <p><u>A Personal Services use providing services related to recreational amenities, including lessons and tours for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking.</u></p>	
<p>20. Home Occupation</p>	<p>A commercial activity that: (a) is conducted by a person on the same residential district lot where such person resides; (b) provides each outside employee with a legal off-street parking space; and (d) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see SMC 17.10.020), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.</p> <p>Without limiting the generality of the foregoing, a use may be regarded as having a significantly adverse impact on the surrounding neighborhood if: (a) goods, stock in trade, or other commodities are displayed; (b) more than 2 nonresidents on the premises are employed in connection with the purported home occupation; (c) it creates objectionable noise, fumes, odor, dust or electrical interference; (d) there is any exterior manifestation of the home occupation, except for an allowed sign no larger than 2 square feet pertaining to the home occupation; or (e) more than 25% of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500</p>	<p>SMC 17.10.020</p>

square feet of gross floor area (whichever is less), is used for home occupation purposes.

Section 3 – Stevenson Municipal Code Table 17.13.050-1 Arts, Entertainment and Recreation Uses, originally adopted through Section 3.F.2 of Ordinance 2017-1103, shall be amended by deleting the ~~struck through~~ text and adding the underlined text as follows:

Table 17.13.050-1: Arts, Entertainment and Recreation Uses

Use	Description	Reference
2. Public Assembly	<u>A facility for groups of people to gather for events relating to culture, education, amusement or entertainment (e.g., theaters, performing arts auditoriums, and outdoor amphitheaters, public meeting halls, etc.). Public assemblies within a school or school support facility should not conflict with the primary educational purpose of the school. Unless specifically listed in the district, Public Assembly includes all subcategories listed herein.</u>	
1- <u>a. Theater</u>		
1- <u>b. Wedding Venue</u>	<u>A Public Assembly where groups gather to witness and/or celebrate a wedding. When similar activities occur on a property which are associated with the family—related by blood or marriage--of the property’s occupant, the activity is not considered a Wedding Venue under this category.</u>	
3- <u>Public Meeting Halls and Support Service Facilities</u>		
4. Educational, eCultural Attraction and related facilities; including necessary support facilities such as dormitories, classrooms, study halls, food service, laboratories, storage, workshops, maintenance activities and outdoor exhibits	<u>A use displaying, preserving, exhibiting, and/or interpreting objects of historic, community, or cultural interest in one or more of the arts or sciences. Cultural Attraction includes museums, outdoor exhibits, information kiosks and displays. Accessory support facilities for Cultural Attractions include dormitories, classrooms, study halls, laboratories, storage, workshops, maintenance activities, etc.</u>	
5- Places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheaters		
6- New places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheaters		
7- Replacement or expansion of places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheater		
8. County Fairgrounds and related exhibit buildings, structures, stadiums and arenas	<u>An area wherein buildings, structures, stadiums and arenas are used for agricultural exhibitions (e.g., animal shows and judging, rodeos, sales and auctions, etc.), carnivals, games, rides, concerts, performances, community events, etc. Seasonal uses incidental to operation of the County Fairgrounds include retail sales, food services, etc. Such seasonal uses support the Skamania County Fair and other events and festivals typically occurring only once per calendar year. Similar uses supporting year-round or regularly scheduled events (e.g., fitness, community education, recreation classes, etc.) are not permitted.</u>	
9- Seasonal uses incidental to operation of the Skamania County Fair, open air concerts and performances, retail sales, concessions and carnivals		
10- Historical and educational exhibits, buildings and structures, information kiosks and displays		
11. Park, Playground or Outdoor Recreation Area		
12. Golf Course		
13. Recreation and Ffitness Ffacilities, such as swimming pools, tennis courts, game rooms, golf courses and other recreational facilities	<u>Public or private facilities (e.g., swimming pools, tennis courts, game rooms, restroom and shower facilities, etc.) for recreational endeavors and services. Such facilities may involve fee- or membership-based admission, provide fitness services, coordinate recreational sports groups, etc.</u>	

normally associated
with tourist
development

- 14. Public or private recreation and fitness facility, including swimming pools, tennis courts, game rooms, restroom and shower facilities, open space and pathways, and other recreational facilities
- 15. Use of a school or school support facility for community recreation, education, meeting space, and like uses that do not conflict with the primary educational purpose of the school
- 16. Public and private recreation facilities, restroom and shower facilities, open space and pathways, campgrounds; provided that the overnight camping other than in approved campgrounds or as authorized by Skamania County for seasonal county fairground use is prohibited.

Section 4 – The use categories for “Veterinarian” and “Professional Office” and the use classification containing “Arts, Entertainment, and Recreation” uses in SMC Table 17.15.040-1 Residential Districts Use Table, originally adopted through Section 5.D.2.1 of Ordinance 2017-1103 shall be amended by deleting the ~~struck through~~ text, adding the underlined text. 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
General Sales or Service Uses					
Veterinarian	-	-	-	-	€
Professional Office	-	C	C	-	-
<u>Veterinarian</u>	-	-	-	-	<u>C</u>
Arts, Entertainment, and Recreation Uses					
<u>Public Assembly</u>	-	-	-	-	-
<u>Wedding Venue</u>	-	-	-	-	<u>C</u>
Park, Playground or Outdoor Recreation Area	C	C	C	C	C
Golf Course	-	-	-	-	C

Section 5 – The use classifications containing “General Sales or Service” and “Arts, Entertainment, and Recreation” uses in SMC Table 17.25.040-1 Trade Districts Use Table, originally adopted through Section 9.D.2.1 of Ordinance 2017-1103, 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
General Sales or Service Uses			
Automobile Service Station	-	C	-
<u>Vehicle Repair</u>	-	<u>C³</u>	-
<u>Carwash</u>	-	<u>P</u>	-
Vehicle Repair	-	€³	-
Electric Vehicle Station			
Restricted Access, Gradual Charging EV Station	A	A	A
Restricted Access, Rapid charging EV Station	A	A	A
Public Access, Gradual Charging EV Station	A	A	A
Street-Side Access, Gradual Charging EV Station	C	C	C
Retail sales	-	P	-
<u>Outdoor Recreation Store</u>	<u>P</u>	-	-
<u>Specialty Food Shop</u>	<u>P</u>	-	-
<u>Specialty Retail Shop</u>	<u>C¹²</u>	-	-
Specialty retail shops when associated with a principal use permitted outright in the district	€	-	-
Recreational equipment sales and repair for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking	P	-	-

<u>Specialty Food Shop</u>	P	-	-
Bank or Financial Institution	-	P	-
Rental Operations	-	<u>PP</u> ⁴	-
<u>Recreational Equipment Rental</u>	<u>P</u>	-	-
<u>Self-Storage Units</u>	-	<u>X</u>	-
<u>Truck, Trailer or Equipment Rental</u>	-	<u>P</u> ⁴	-
Recreational equipment rental for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking	P	-	-
Recreational services, including lessons and tours for such activities as water sports, bicycling, skiing, fishing, photography, camping and hiking	P	-	-
Professional Office	-	-	<u>A/C</u> ¹³
Office, Clerical or Research Activity	-	P	-
Offices that are an integral part of the on-premises principal use	-	-	P
Food Services	<u>P</u>	<u>P</u>	-
Food and Drink Service Facility	P	-	-
Food or Beverage Operation	-	P	-
Food or Beverage Operation with Drive-Through Food Service	-	C	-
Lounge	P	-	-
Restaurant	P	-	-
Snack Bar	P	-	-
<u>Mobile Food Cart</u>	-	-	<u>C</u>
<u>Tasting Room</u>	-	-	<u>A</u>
Child Day Care Facility			
Family Day Care Home	-	P	-
Child Day Care Center	-	C	-
Personal and other s Services	-	P	-
<u>Recreation Services</u>	<u>P</u>	-	-
Arts, Entertainment, and Recreation Uses			
Theater	-	P	-
Public Assembly	<u>P-</u>	P	-
Educational, eCultural Attraction and related facilities; including necessary support facilities such as dormitories, classrooms, study halls, food service, laboratories, storage, workshops, maintenance activities and outdoor exhibits	P	-	-
Places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheaters	P	-	-
Park, Playground or Outdoor Recreation Area	C	C	C
Golf Course	P	-	-
Recreation and Ffitness Ffacilityies, such as swimming pools, tennis courts, game rooms, and other recreational facilities normally associated with tourist development	P	-	-

5- The activity shall be an integral part of, or subordinate to, an on-premises principal use.

12-Specialty retail shops in the CR District must be associated with a principal use permitted outright in the district.

13-Offices that are an integral part of the on-premises principal use do not require a conditional use permit.

Section 6 – The use category for “Campground” and the use classifications containing “General Sales or Service” and “Arts, Entertainment, and Recreation” uses in SMC Table 17.35.040-1 Public Districts Use Table, originally adopted through Section 7.DD.2.1 of Ordinance 2017-1103, 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 17.35.040-1 Public Districts Use Table

Use	PR	ED
Residence or Accommodation Uses		
Campground	C/P ⁵ -	X
General Sales or Service Uses		
<u>Automobile Service Station</u>	-	-
Vehicle Repair	-	A ¹
<u>Rental Operation</u>	-	-
<u>Recreational Equipment Rental</u>	A	-
Electric Vehicle Station		
Restricted Access, Gradual Charging EV Station	A	A
Restricted Access, Rapid Charging EV Station	A	A
Public Access, Gradual Charging EV Station	A	A
Street-Side Access, Gradual Charging EV Station	C	C
Child Day Care Facility		
Family Day Care Home	-	P
Mini-Day Care Center	-	P
Child Day Care Center	-	P
Arts, Entertainment, and Recreation Uses		
<u>Public Assembly</u>	P	A/C ⁶
<u>Cultural Attraction</u>	P	-
<u>Public Meeting Hall and Support Service Facility</u>	P	-
New places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheaters	-	C
Replacement or expansion of places of public assembly for events relating to culture, education, amusement and entertainment, including theaters, performing arts auditoriums and outdoor amphitheaters	-	A
County Fairgrounds and related exhibit buildings, structures, stadiums and arenas	P	-
Seasonal uses incidental to operation of the Skamania County Fair, open air concerts and performances, retail sales, concessions and carnivals	A	-
Historical and educational exhibits, buildings and structures, information kiosks and displays	P	-
<u>Park, Playground or Outdoor Recreation Area</u>	A	A
<u>Recreation and Fitness Facility</u>	P	P
Public or private recreation and fitness facility, including swimming pools, tennis courts, game rooms, restroom and shower facilities, open space and pathways, and other recreational facilities	-	P
Use of a school or school support facility for community recreation, education, meeting space, and like uses that do not conflict with the primary educational purpose of the school	-	A
Public and private recreation facilities, restroom and shower facilities, open space and pathways, campgrounds; provided that the overnight camping other than in approved campgrounds or as authorized by Skamania County for seasonal county fairground use is prohibited.	P	-

1- Vehicle Repair is subject to the following performance standards: 1) No repair work shall be conducted outside a fully enclosed building; and 2) vehicles shall not be parked or stored overnight unless inside a fully enclosed building.

5-Overnight camping as authorized by Skamania County for seasonal county fairground use is permitted. All other campgrounds in the PR District are conditional uses.

6-Replacement or expansion of any Public Assembly use existing in an ED District as of July 17th, 2014 is allowed as an accessory use. Only new Public Assembly uses are required to obtain a Conditional Use Permit.

Section 7 – The performance standards for Accessory Dwelling Units in SMC 17.40.040, originally adopted through Section 8 of Ordinance 1073, shall be amended by deleting the ~~struck through~~ text and adding the underlined text as follows:

SMC 17.40.040 – Accessory Dwelling Units

A. Purpose. The purposes ~~and intent~~ of this section are to: ~~provide homeowners with the ability to establish separate living quarters within or adjoining their homes for the purpose of caring for elderly parents or other family members, providing housing for their children, companionship, security, or other purposes; and ensuring that the development of accessory dwelling units (ADU) follows adopted standards and does not cause unanticipated impacts on the character or stability of single-family neighborhoods.~~

1. Provide homeowners with the ability to a) care for elderly parents or other family members, b) house their children, c) obtain companionship, d) be secure on their property, or e) fulfill other purposes.
2. Encourage a range of residential land uses, housing sizes, types, and price ranges.
3. Ensure the development of Accessory Dwelling Units (ADUs) follow adopted standards and do not cause unanticipated impacts on the character or stability of single-family neighborhoods.

B. Permitting. ~~A~~The review and a approval of a proposed ADU shall be accomplished through review by the zoning administrator as provided by this section. In addition to the standard application form, ~~the following shall be submitted for the Zoning Administrator's review: scale drawings of the ADU project depicting sufficient detail to interpret the requirements of this section shall be submitted with the application.~~

1. Scale drawings of the ADU project depicting sufficient detail to interpret the requirements of this section.
2. A proposal for a Detached ADU, when located on a lot with more than double the applicable minimum lot area of SMC Table 17.15.050-1 Residential Density Standards, shall provide a site plan showing whether the proposed building would hinder future division of the lot.

C. Development Standards. Accessory dwelling units shall comply with the following standards and criteria:

1. Owner Occupancy. The property owner must occupy either the principal unit or the ADU as their permanent residence. The owner shall maintain residency for at least ~~six~~ six months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year.
- ~~2. Configuration. An ADU may be located either within or attached to the primary residence but not as a separate building.~~
3. Density. Only one ADU may be established in conjunction with a single-family residence.
4. Minimum Lot Size. An ADU shall not be established on any parcel smaller than ~~six thousand square feet in the R1 zone or smaller than fifteen thousand square feet in the SR~~ the applicable minimum lot area of SMC Table 17.15.050-1 Residential Density Standards zone.
5. Maximum Unit Size. ~~The gross floor area of an addition to an existing structure, constructed for the purpose of creating an ADU, shall not exceed forty percent of the gross floor area of the principal structure (not including basement or garage). For an ADU created through the internal conversion of an existing structure, there is no restriction on the maximum size.~~
 - a. Internal Conversion. There is no restriction on the maximum size of an ADU when the ADU is created through the internal conversion of an existing structure.
 - b. Addition. The gross floor area of an addition to an existing structure, constructed for the purpose of creating an ADU, shall not exceed 40% of the gross floor area of the principal structure (not including basement or garage).
 - c. Detached ADU. The maximum unit size of a Detached ADU shall not exceed 800 square feet.
6. Minimum Unit Size. The gross floor area of an ADU shall not be less than ~~300~~ three hundred square feet or such larger size as may be required by the most current version of the applicable construction codes adopted in SMC Chapter 15.01.
7. Design and Appearance. An ADU shall be consistent in design and appearance with the primary residence. Specifically, the roof pitch, siding and roofing materials, colors and window treatment shall be the same as the primary structure.
8. Parking. ~~The~~ number of need for additional off-street parking spaces required for an ADU shall be determined based on the Table of Minimum Standards in SMC 17.42.090 ~~by the planning commission and may be waived where the ADU occupant has no need or ability to operate a vehicle or where site conditions preclude another on-site parking space.~~
9. Garage Conversions. An existing garage structure may be incorporated as part of an ADU addition to the principal structure, provided that the structure complies with the setback standards applicable to the principal structure in the underlying zone and complies with applicable building codes. The off-street parking requirements for the primary residence shall be provided for elsewhere on site.
- ~~10. Accessibility. To provide for the development of housing units for people with disabilities, the building official may allow reasonable deviation from stated requirements to facilitate accessibility. Such facilities shall be in conformance with the applicable construction codes adopted in SMC Chapter 15.01.~~
11. Proximity. To ensure adequate owner supervision and achieve other purposes, the nearest point of a Detached ADU shall be located within 40 feet of the primary unit.
12. Land Division. The City encourages locating Detached ADUs so as not to hinder future division of the lot.

D. Deed Covenant. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners of the property that the existence of the ADU is predicated upon owner-

occupancy of either the principal dwelling unit or the ADU. Further, the covenant shall give notice to a prospective buyer of the limitations of this section.

E. Preexisting Accessory Dwelling Units. ADUs established without the benefit of permits prior to the adoption of this section may be permitted as a legal ADU.

1. If by July 1, 2020, the owner of a property with an unpermitted ADU applies for an ADU permit then no penalties shall be imposed under SMC 17.52.010 Violation—Penalty and the following apply:

a. The property owner shall arrange for an inspection of the ADU by the Building Official who will provide the property owner with a list of any required corrections.

b. The property owner shall make all reasonable efforts to bring the ADU into compliance with the standards listed under subsection (C) of this section, including the requirement for compatibility with the principal unit. The Zoning Administrator may waive any of the requirements under subsection (C) of this section, if strict compliance would cause an unreasonable hardship.

2. If by July 1, 2020, the owner of a property with an unpermitted ADU fails to apply for an ADU permit, then the property owner may still apply for an ADU permit, but shall be required to pay an after-the-fact permit fee and the ADU shall comply with the standards listed under subsection (C) of this section.

Section 8 – 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 City Council meeting of _____, 2019.

SIGNED:

ATTEST:

Scott Anderson
Mayor of Stevenson

Leana Kinley
Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich
City Attorney